

GARY SNODGRASS, C-50459  
CTF-SOLEDAD  
P O BOX 689  
SOLEDAD, CA 93960-0689

PETITIONER IN PRO SE

# VOLUME 1 of 2

EXHIBITS A thru BB

RECEIVED

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RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

E-filing

JSW

## UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA

CV 08

3322 (PR)

Gary Snodgrass,

Petitioner,

v.

Ben Curry, Warden,  
California Training Facility,  
Soledad, CA.,

Respondent .

No. \_\_\_\_\_

### PETITIONER'S EXHIBITS TO PETITION FOR WRIT OF HABEAS CORPUS

Former Crim. # 26252

Honorable Judge of the  
Northern District of California

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Court name of court branch court if any, and mailing address <b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF CONTRA COSTA</b> P. O. BOX 911, MARTINEZ, CALIFORNIA 94553		FOR COURT USE ONLY <b>FILED</b> JUL 13, 1982 J. R. OLSSON, County Clerk CONTRA COSTA COUNTY <i>M. Johannes</i> DEPUTY
PEOPLE OF THE STATE OF CALIFORNIA DEFENDANT <b>GARY RANDALL SNODGRASS</b> <input checked="" type="checkbox"/> Present <input type="checkbox"/> Not Present		
JUDGMENT OF COMMITMENT TO: <input checked="" type="checkbox"/> STATE PRISON <input type="checkbox"/> COUNTY JAIL		CASE NUMBER 26252

Date (hearing)	Dept No	Judge	Clerk	Reporter
7-3-82	1	Robert G. McGrath	M. Johannes	Bob Gatlin
Counsel for People		Counsel for defendant		Probation Officer
Robert Kochly		Thomas Shelby		Magdeline F. Jensen

Defendant was convicted of the commission of the following crime on (Date) May 13, 1982

Count	Code Section	Crime	Degree	By Jury Court or Plea (If Plea)
1	187 PC	Murder	2nd	Jury

- 2 Defendant ☐ was arraigned ☒ waived arraignment for judgment.
- 3 The court, having read and considered the probation report/and no legal cause having been shown why, judgment should not be pronounced.
- a ☒ Sentence of defendant to State Prison for the term prescribed by law -- 15 years to life.
- b ☐ Sentence pursuant to Penal Code 12021 the minimum term of imprisonment shall be as follows as to count:
- c ☐ Sentence of defendant to County Jail for the period of (Specify number of days):
- d ☐ Suspends imposition of sentence and defendant is placed on probation for the period of:
- ☐ upon conditions set forth in attachment 3d
- 4 Defendant convicted of more than one count shall:
- a ☐ serve the sentence as to each count as follows:
- | Count | Consecutive With | Concurrent with |
|-------|------------------|-----------------|
| 1     |                  |                 |
- b ☐ serve the counts made consecutive in the following order:
- 5 Defendant shall serve this sentence with respect to any prior uncompleted sentence a ☐ concurrently b ☐ consecutively
- c ☐ as set forth below or in attachment 3d
- 6 Execution of sentence is:
- a ☐ stayed on the following court: pending appeal, with the stay to become permanent.
- b ☒ when the sentence is completed as to count:
- c ☒ suspended and defendant is placed on probation for the period of:
- ☒ upon conditions set forth in attachment 3d
- 7 ☐ No allegation to enhance punishment was made in court.
- 8 ☒ It was alleged:
- a ☒ Defendant was armed with a deadly weapon at the time of the commission or attempted commission of the crime charged in court ☐ and allegation pertained as to count:

(Continued on reverse side)

This form satisfies the requirements of Penal Code 1213.5 (Abstract of Judgment and Commitment). Enquirer includes the journal. This form is to be used in judgments other than death. A copy of presentment report shall accompany this form pursuant to Penal Code 1203c and a copy of any supplemental probation report shall be transmitted to the Department of Corrections. Attachments may be used but must be incorporated by reference.

Form Approved by the  
State of California

REPRODUCED BY THE CALIFORNIA DEPARTMENT OF CORRECTIONS

Pen C 644 656c 669d 1203 1213 3-7

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- b ☒ Defendant used a firearm in count One ☐ and allegation stricken as to count.
- c ☐ Defendant was armed at the time of arrest with a concealed deadly weapon within the meaning of Pen. C. 3024 ☐ and allegation stricken.
- d ☐ Other (Specify and indicate if stricken):
- e ☒ The Court finds the defendant
- a ☐ was armed at the time of commission or attempted commission of the crime with a deadly weapon within the meaning of
- (1) ☐ Pen C. 3024 as to count ☐ but strikes the finding as to count.
- (2) ☐ Pen C. 12022 as to count ☐ but strikes the finding as to count.
- (3) ☐ Pen C. 1203 (Specify weapon) ☐ but strikes the finding as to count.
- b ☐ was not armed at the time of commission or attempted commission of the crime within the meaning of
- (1) ☐ Pen C. 3024 as to count
- (2) ☐ Pen C. 12022 as to count
- (3) ☐ Pen C. 1203 as to count
- c ☒ did use a firearm as to count one ☐ but strikes the finding as to count.
- (1) ☒ The use was one use for the following counts One ☐ but strikes the finding as to count. The additional penalty shall run consecutively to the sentence on the last count to be stricken; said additional term is stayed.
- d ☐ did not use a firearm as to count
- e ☐ was armed at the time of arrest with a concealed deadly weapon within the meaning of Pen. C. 3024 ☐ but strikes the finding.
- f ☐ was not armed at the time of arrest with a concealed deadly weapon within the meaning of Pen. C. 3024.
- g ☐ Other (Specify and indicate if stricken):

- 10 ☒ Prior convictions which affect defendant's sentence were alleged and disposed of ☐ as follows ☐ as set forth in attachment 10
- | Conviction date | Jurisdiction | Crime and code Section | Applies to Count | Disposition |
|-----------------|--------------|------------------------|------------------|-------------|
|-----------------|--------------|------------------------|------------------|-------------|

11. The court finds defendant a ☐ is ☐ is not an habitual criminal under Pen C. 644a
- b ☐ is ☐ is not an habitual criminal under Pen C. 644b

12. The court pronounced sentence on (Date) 7-13-82 and defendant was held in custody through and including the date of pronouncement of sentence for (Total No. of days) 93 days as follows
- | Court | Time other than Dept. of Corrections | Dept. of Corrections Time |
|-------|--------------------------------------|---------------------------|
|-------|--------------------------------------|---------------------------|

1. 62 days

4019 Credit: 31 days

13. Defendant is remanded to the custody of the Sheriff
- a ☐ For the period of (Specify no. of days) ☐ upon conditions and recommendations set forth in attachment 13a
- b ☒ To be delivered ☒ at the earliest convenient time ☐ after 48 hours, excluding Saturdays, Sundays and holidays (Pen C. 1203c) into the custody of the Director of Corrections at
- (1) ☐ California Institution for Women—Frisco (3) ☐ California Institution for Men—Chino
- (2) ☒ California Men's Facility—Vacaville (4) ☐ Other

14. ☒ The court requests a copy of the diagnostic study and recommendations as provided in Pen C. 1168

15. The court advised defendant of all appeal rights as required in CRC Rule 250 and defendant acknowledged understanding them

16. ☒ Other (Specify and indicate if stricken): Defendant is advised of parole rights.

Dated: July 13, 1982 Hon. Robert G. McGrath

*Robert A. McGrath*  
(Type or print name) (Signature of Judge of the Superior Court)

TOTAL NO. of boxes checked: 11

#### CLERK'S CERTIFICATE

I hereby certify that the foregoing is a correct copy of the original on file in my office.

Clerk of the superior Court

(Seal)

By \_\_\_\_\_

Deputy

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Lester J. Nielsen 8/1/82

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF CONTRA COSTA

THE PEOPLE OF THE STATE OF CALIFORNIA

against

Gary Randall SNODGRASS

Defendant

FILED

MAR 4 - 1982

J. R. OLSSON, County Clerk  
CONTRA COSTA COUNTYNo. 26252  
INFORMATION

1. PC 187

In the Superior Court of the State of California, in and for the County of Contra Costa  
The District Attorney of the County of Contra Costa hereby accuses

GARY RANDALL SNODGRASS

defendant

of the crime of Felony, to wit, violation of

SECTION 187, CALIFORNIA PENAL CODE (Murder)

committed as follows, to wit

That said defendant on or about November 18, 1981 at Pinole  
in Contra Costa County, State of California, did then and there unlawfully, willfully and feloniously  
murder John Daniel Nailen, a human being.

USE OF FIREARM

It is further alleged that defendant, GARY RANDALL SNODGRASS, personally  
used a firearm in the commission of the above offense, within the meaning  
of Penal Code Section 12022.5.

WILLIAM A. O'MALLEY  
District Attorney

Garrett J. Grant  
Deputy District Attorney

GJG:jmd

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# **EXHIBIT B**

# **EXHIBIT B**

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF CONTRA COSTA

COPY

PEOPLE OF THE STATE OF CALIFORNIA,  
Plaintiff,

vs.

GARY RANDALL SNODGRASS,  
Defendant,

No. 26252

FILED  
JUL 13 1982

J. R. OLSSON County Clerk  
CONTRA COSTA COUNTY

HONORABLE ROBERT G. McGRATH, JUDGE

JULY 13, 1982

SENTENCING HEARING

APPEARANCES:

FOR THE PEOPLE

ROBERT KOCHLY, Deputy District Attorney  
Courthouse  
Martinez, CA 94553

FOR THE DEFENDANT

THOMAS G. SHELBY  
2090-23rd St.  
San Pablo, CA 94806

BOB J. GATLIN  
C.S.R. #1256

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JULY 13, 1982

9:10 A.M.

THE COURT: This is the time set for sentencing.

I understand it's also the time set for a hearing on a motion.

Mr. Shelby, do you wish to be heard in support of your motion at this time? I've read the points and authorities that have been submitted to the Court.

MR. SHELBY: Your Honor, the points and authorities basically set forth my position on the motion for new trial and an order to modify the verdict. I don't see any real reason to reiterate the evidence. Your Honor heard it as well as I and you are as well aware of it as I am. I simply feel that in the interest of justice and all of the matters set forth in the Probation Report, psychological reports that are attached thereto, it cries out for a resolution different than what the law affords, according to the finding of the jury, which I believe was probably a compromise between the position set forth for them. That the interests of justice would be best served by giving Your Honor some latitude that a reduction to voluntary manslaughter would allow. And Your Honor does have the power to do the same.

THE COURT: Mr. Kochly?

MR. KOCHLY: Yes, Your Honor, I certainly have no quarrel with the proposition that this Court has the power to grant the motion for a new trial or to modify or reduce the verdict under certain limited circumstances, and none of those exist in this case. As counsel has pointed out, this Court has heard the evidence and I'm sure still has it clear in your mind in this case, and the evidence clearly supports this.

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verdict and clearly could have supported an even higher verdict. In this case, I think the jury's verdict, as I think they do in many cases, took into account some of the circumstances and factors which counsel has pointed out this morning, regarding the facts, the underlying equities, if you will, of the situation which resulted in this murder. And I think that the Court should be loathe to interfere with the verdict of the jury in this case, as it should be in any particular case.

I think the verdict should stand and the defense motion should be denied.

THE COURT: Is the matter submitted?

MR. SHELBY: On that particular area, yes.

THE COURT: On the motion, yes.

MR. KOCHLY: Yes.

MR. SHELBY: Yes.

THE COURT: As I've said, I've read the points and authorities that have been submitted and I have reviewed this file and I find in this case, the verdict is supported by the evidence that was presented before this jury and the motion will be denied.

Mr. Shelby, is there any legal cause -- I will allow you to be heard on sentence, but at this point, is there any legal cause why sentence or judgment should not now be imposed?

MR. SHELBY: No, Your Honor, there is not.

THE COURT: Mr. Snodgrass, do you know of any reason why sentence should not be imposed finally?

MR. SNODGRASS: No.

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THE COURT: You have to answer out loud.

MR. SNODGRASS: No.

THE COURT: Thank you. Mr. Shelby, is arraignment for judgment and sentencing waived?

MR. SHELBY: It is.

THE COURT: The record should reflect that I have received, read and considered the probation officer's report dated June 23rd, 1982, which consists of 20 pages. And, I've also read the report from Dr. Murrey which was attached to Mr. Shelby's motion, and the file does not have in it a statement in mitigation or aggravation.

Does either counsel know of any statement having been prepared and not filed or having been filed and not reaching the files?

MR. KOCHLY: No, Your Honor.

MR. SHELBY: Yes, Your Honor, I sent in a statement pursuant to Rules of Court and 414 and 416.--

THE COURT: I can't hear you, counsel.

MR. SHELBY: I sent in a statement to the Probation Officer pursuant to the Rules of Court.

THE COURT: And that's incorporated in --

MR. SHELBY: That's incorporated in the probation report.

THE COURT: All right.

MR. SHELBY: But there is no separate statement filed that I'm aware of.

THE COURT: Other than the one --

MR. SHELBY: No, that was sent and then incorporated.

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THE COURT: Okay, Mr. Kochly, you are not aware of any such statement?

MR. KOCHLY: No, Your Honor, no.

THE COURT: In respect to the allegations in the information that the Defendant personally used a firearm during the commission of the offense of murder, the Court finds that that has been found to be true by the jury and therefore, Mr. St. Grass is ineligible for probation under Subdivision A of Section 1203.06. To the extent that there may have been an application for probation, that is formally denied.

Does either counsel wish to be heard concerning the sentence or present any evidence in mitigation or aggravation at this point? And I point out circumstances in mitigation and aggravation although that only effects the enhancement and not the term prescribed by law, but does either counsel want to be heard concerning the sentence?

Mr. Shelby?

MR. SHELBY: I believe it's all pointed out in the probation report pursuant to the Rules of Court which I cited wrongfully a few moments ago, 421 et seq. I would, however, at this point, ask Your Honor to exercise your discretion under 1170.1(g) of the Penal Code to strike the term with the use of a firearm which is allowable under People vs. Tanner. Also, Your Honor, you could do it on your own motion of 1385.

I would like to point out what may also be a defect in the pleadings. Although my research has not lead me to a conclusion one way or the other, it has been the policy of this county to charge under these types of informations, that



the conduct engaged in does, in fact, come within the auspices of 1203.06, which generally is placed on the pleading itself and has been in the prior cases, which I could cite case numbers if Your Honor would like, and in this particular case, it was not. I found out, apparently, the District Attorney takes the position that they no longer have to do that because of, citing the 12022 section, that gives adequate notice.

THE COURT: Okay, are you -- you're referring to the absence of the section being cited, 120306?

MR. SHELBY: That's correct, although I suspect that there has been no cases involving that and conceivably, one could not be put on notice that 1203.06 would, in fact, apply, therefore eliminating probation as a consideration.

I should also state for the record that it did not appear, in my opinion, because of lack of authority, that that would have been demurrable. So therefore, the demurrer was not filed because I thought it would be a waste of time. But I think when it comes to sentencing, that the point should be brought up and it has.

THE COURT: Mr. Kochly?

MR. KOCHLY: Well Your Honor, counsel has not indicated that he, in fact, was not, in fact, on notice that the provisions of 120306 were brought into play by this, by our allegations in this Information. Just the Section 120306 is just not mentioned. I do, in fact, believe, Your Honor, that there is case law which supports the proposition that alleges using a firearm in the manner as we have in this particular Information is sufficient to put Defendant on notice

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and to bring into play the provisions of 120306. I do not have a citation for the Court present at my fingertips because I did not know that this particular point was going to be raised at this proceeding. But, I believe that that is -- that that is the law and that the Defendant was adequately noticed of the provisions that would be brought into play by the allegations of that use clause.

THE COURT: Well I believe that the defense was properly placed on notice, but even more importantly than that, we do have a situation where the jury found that a murder was committed, and the jury specifically found Mr. Snodgrass did personally use a firearm, so he clearly has been brought within the provisions of 120306.

Does either counsel wish to be further heard on the matter of sentence?

MR. KOCHLY: The only other comment I would like to make to the Court is that I believe that this jury's verdict in this case adequately reflects their feeling as to the -- obviously as to the proper disposition in this case. By that I mean because of the factors that were presented in this case, both from the People's perspective regarding the manner in which the crime was committed and the evidence that was certainly present for the jury to find, if they wished to, of first degree murder, balanced against the factors that were presented by the defense, fully and completely to the jury regarding the defendant's alleged diminished capacity, and his prior relationship with his stepfather, the victim in this case, I think that bearing all those things in mind, that those

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in a sense, adequately reflect the factors, so called, in aggravation and mitigation. And, that those are factors which were under the unique circumstances of this case, balanced by the jury in arriving at their verdict of second degree.

Therefore, I don't believe that this is a case where the Court should exercise its discretion in further altering the verdict of the jury by striking the use clause for the purposes of sentencing in this matter. I think the factors, when properly balanced out, place it where it stands right now. Second degree murder with use of a firearm and that's what the Defendant should receive punishment for.

THE COURT: Is the matter submitted?

MR. SHELBY: One further thing.

MR. KOCHLY: Submitted for the People.

THE COURT: Yes.

MR. SHELBY: As pointed out in the motion, the Defendant is statutorily eligible for California Youth Authority. The chances of them taking him because of his chronological age are somewhat slim, but I think, nonetheless, that it can be done if Your Honor would order the 120 day commitment under 1737 and 1737.1 of the Welfare and Institution Code for further diagnosis. And, if Your Honor were to submit along with that order a statement under 1203.01, that at least, it's worth a chance. He can be saved. He needs treatment. It seems to me that the interests of justice could be served under those circumstances, or at least is worth a trial. I don't believe, and Your Honor has evidence in the report in

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that somewhat substantiates that he will survive a commitment to the adult system.

THE COURT: Mr. Shelby, I want to ask you.

MR. SHELBY: Yes, Your Honor. I think the fact that he would not be, and the hearing being pointed out to the court, the court's decision by the California Youth Authority,

given its current criteria, given his criminal history, and the fact that the Youth Authority has decided that they are going back to, because of their space problems, treating juveniles which is what they were originally set up to do. This defendant can't be treated as such.

I think he should be committed to the Department of Corrections. That a diagnostic evaluation from the Youth Authority at this point in time would be futile and useless and I don't think it's the appropriate disposition.

THE COURT: Is the matter submitted?

MR. SHELBY: With one more comment. It appears to me that the defendant meets five of the seven criteria under the Rule 416, which would be sentencing in an unusual case, which obviously cannot apply in this case because of the type of verdict. But since that appears to be the case, then the attempted commitment would seem to be in order. They will take people in unusual cases that are statutorily eligible. Section 736 of the Welfare and Institution Code states that the California Youth Authority shall accept borderline psychiatric or borderline mentally deficient cases, or those who suffer from a primary behavior disorder.

THE COURT: Mr. Shelby, the reason that I don't plan

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to commit Mr. Snodgrass to the Youth Authority, or to refer him there for a diagnostic, is that Mr. Snodgrass next month will be 21 years old and the Youth Authority will only be able to keep Mr. Snodgrass until he was age 25 and four years in custody certainly is not an appropriate disposition in this case. I am aware of the fact that the Youth Authority can petition to the Court if they believe that Mr. Snodgrass should be detained beyond age 25, but as a practical matter, that procedure is rarely used. But even more important than that, I don't believe that whether or not Mr. Snodgrass be incarcerated beyond age 25 should be an administrative decision made down the road. I think it's important that a decision be made today and the four-year period of time in which he would be incarcerated at the Youth Authority is certainly not appropriate.

MR. SHELBY: They can also recommend a transfer to the Adult Authority.

THE COURT: They could do that but as a practical matter, that is rarely done, and again, that is an administrative decision that would be made four years from now and in all likelihood, that probably would not be done.

But at any rate, I don't think that the decision that is made today should be left to an administrative decision down the road.

Is the matter submitted?

MR. SHELBY: Yes.

MR. KOCHLY: Yes.

THE COURT: The term in this case shall be the term

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prescribed by law, which is 15 years to life.

I find that the allegations that the Defendant personally used a firearm, within the meaning of Section 12022.5 has been plead and proved, and that shall be added to the term of 15 years.

That additional term shall be stayed. It's going to be stayed because that additional term does not effect the maximum period of time for which Mr. Snodgrass could be incarcerated, and it is also going to be stayed because Mr. Snodgrass does fall within Rule 423 Subsection 1 and 3. Mr. Snodgrass has no prior record, and the Defendant did acknowledge wrongdoing at the time of arrest. Also to a certain extent, Subsection 2 does apply since the evidence does establish that Mr. Snodgrass' mental condition did at least contribute to this offense. Accordingly, his term of imprisonment shall be 15 years to life.

Mr. Snodgrass, it is the judgment and sentence of this Court that you shall be imprisoned in the State Prison for 15 years to life.

I further order that you shall be remanded to the custody of the Sheriff of this County and the Sheriff is ordered to transfer you to the Reception Guidance Center at Vacaville, California.

Mr. Snodgrass, the law requires at this time that I address you concerning certain matters and I'm going to read these matters to you. At the end, I will ask you if you understand what I have read to you.

At the expiration of your period of incarceration,

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... be placed on parole for a period not to exceed seven years. And that is unless that is waived for good cause by the Board of Prison Terms. If you violate the provisions of parole granted, your parole may be revoked and you could be incarcerated for a period not to exceed 12 months in each instance of revocation. The total time spent in custody due to revocation of parole and the limit of the parole itself may not exceed the period of seven years.

Do you understand what I have read to you, Mr. Snodgrass?

MR. SNODGRASS: Yes, sir.

THE COURT: Do you have any questions concerning your parole rights?

MR. SNODGRASS: No.

THE COURT: Mr. Snodgrass, it's also my duty at this time to advise you of your appeal rights. You have the absolute right to appeal from the judgment of this Court in imposing sentence upon you today. That means if you wish to appeal, you must file a written notice of your intention to appeal within 60 days from today. That notice must be in writing and must be signed by you or your attorney or both may sign it. It must specify what it is that you're appealing from, whether it's the whole judgment or just part of the judgment.

If you do appeal, you will have the right of a complete transcript of the trial court proceedings. That is provided by law and without any cost to you.

If you do appeal and you do not have the financial

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ability to retain the services of an attorney to represent you or appeal, the Appellate authorities will appoint counsel to represent you. In that regard, it's your obligation to keep the Appellate authorities advised at all times of your current residing address so that they can be in touch with you to advise you of appointed counsel.

Do you understand what I have just read to you, Mr. Snodgrass?

MR. SNODGRASS: Yes.

THE COURT: And do you understand also that unless you file your written notice of your intention to appeal in this Court within 60 days from today's date, that you will lose that right forever?

MR. SNODGRASS: Yes.

THE COURT: Do you have any questions that you wish to ask me or your attorney at this time about your appeal rights?

MR. SNODGRASS: No.

THE COURT: Do you understand them?

MR. SNODGRASS: Yes.

THE COURT: Counsel, I do not have information available to show the actual days in custody.

Madame Clerk, what was the date --

MR. SHELBY: I do know it but it will take me a minute to find it.

MR. KOCHLY: It appears in discussing it with counsel and an exam of our file, he was originally in custody from the date of his arrest, November 18th until November 26th, which

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14.

was the day following the reduction in bail after a bail study.  
so he would be entitled to that period, plus the date of the  
verdict.

MR. SHELBY: The verdict --

MR. KOCHLY: To today's date.

THE COURT: What was the date of the verdict?

MR. KOCHLY: May 13th.

THE COURT: Yes, it was May 13th.

All right, in addition to those eight days, Mr.  
Shodgrass is entitled to actual days in custody since May 13th.  
He is entitled to credits pursuant to Section 4019 of the Penal  
Code.

Is there anything further before the Court at this  
point?

MR. KOCHLY: No, Your Honor.

MR. SHELBY: No, Your Honor.

THE COURT: Thank you, counsel.

(Whereupon, at 9:32 a.m. the  
record in this matter was  
closed.)

BEST AVAILABLE

CERTIFICATE OF OFFICIAL CERTIFIED SHORTHAND REPORTER

STATE OF CALIFORNIA )

COUNTY OF CONTRA COSTA )

I, BOB J. GATLIN, Official Reporter of the Superior Court of the State of California, in and for the County of Contra Costa, do hereby certify that as such, I took down in Stenotype all of the proceedings had in the within-entitled cause, People of the State of California vs. Gary Randall Snodgrass, Superior Court Action No. 26252, heard before the Honorable Robert G. McGrath, Judge, on July 13th, 1982, and that I thereafter transcribed my notes into longhand type-writing, and the foregoing transcript consisting of page one (1) to page fourteen (14), inclusive, constitutes a full, true and correct transcript of my notes taken at said time.

DATED this \_\_\_\_ day of August, 1982.

BOB J. GATLIN, C.S.R. #1256  
Official Reporter  
Superior Court  
Contra Costa County

BEST AVAILABLE

-15-



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# **EXHIBIT C**

# **EXHIBIT C**

*W. McAdoo*

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

## LEGAL STATUS

INMATE NUMBER C-50459	ALPHA ID	NAME SNODGRASS, Gary Randall	TERM STARTS 07-19-82	ETHNIC White
DATE OF RELEASE TO P.E. DETERMINED	MIN. RELEASE DATE Eligible P.D. 05-12-92	MIN. ST. GR.	MAX. DATE 9-1-90	PAROLE PERIOD 05 years

BASE TERM 15-00 • ENHANCEMENTS 00-00 • TOTAL TERM 15-00

GOOD TIME CREDITS AVAILABLE (2001 PC) (PC 449 BC 1347) 1796

PRE PRISON CREDITS CASE NO. CC 26252

2000.5 PC 62

1263.03 PC

2000.1 PC

CRC

Mental Health 31

4019 PC

2001 PC 05

Post Sentence

TOTAL PRE PRISON CREDITS (DAYS) 98

REGISTRATION REQUIRED PER 3058.6, 290.2

DATE REC'D	CO. CASE NO.	CT.	CODE & OFF.	TYPE W/PN	DATE OF OFFENSE	SENTENCE DATE
---------------	-----------------	-----	-------------	--------------	--------------------	------------------

CONTROLLING PRINCIPAL AND CONSECUTIVE (INCLUDING ENHANCEMENT) OFFENSE(S):

07-19-82 CC 26252 01 P187 MURD 2nd Rifle 11-18-81 07-13-82

Investigating Agency: Pinole P.D.  
Defense Atty: Shelby, Thomas

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CHARGE

SNODGRASS

C-50459

INMATE



INSTITUTION STAFF RECOMMENDATION SUMMARYSOURCES OF REPORT:

Probation Officer's Report and Inmate Interviews.

CONFIDENTIAL INFORMATION: NoneHOLDS/DETAINERS: NoneMEDICAL/DENTAL:

Camp Qualified, Dental Class 1.

PSYCHIATRIC/PSYCHOLOGICAL:

Referral indicated prior to release on parole based on commitment offense, Murder 2nd.

WORK SKILLS: None.NARCOTICS/DRUGS/ALCOHOL:

Alcohol (13) occasionally, Marijuana (13) occasionally. Experimented with LSD, no longer uses.

ESCAPE HISTORY: NoneARSON HISTORY: NoneSEX RELATED OFFENSES: NoneACADEMIC/VOCATIONAL:

I.Q.: TOTAL READ: TOTAL ARITH: TOTAL GPL:

Defer to receiving institution.

CASEWORK FOLLOW-UP: NonePRIOR INCARCERATION HISTORY & ADJUSTMENT: None.CRIMINAL HISTORY: NoneEVALUATION:

Snodgrass is a 20-year-old first term, who has never been involved in criminality. He is a high school graduate and appears to be of average intelligence. His overall demeanor is passive and highly depressed.

SNODGRASS C-50459

NRC-CMF

8-2-82

cs

Page 1



EVALUATION: (CONT'D)

At this time he has extreme difficulty in discussing his case. There appears to be some remorse, but at this time it is difficult to determine whether it is due to the committing offense or the fact that he is incarcerated. There appears, also, to be some inward hostility-not sure at this time to whom it is directed.

CLASSIFICATION SCORE:

NUMBER: 064 LEVEL: IV

INSTITUTION RECOMMENDATION:

San Quentin.

CORRECTIONAL COUNSELOR:

F. Weber, CC-I, NRC

DATE:

7-28-82

SUPERVISOR'S RECOMMENDATION:

The victim was the Subject's stepfather, John Nailen, who married the Subject's mother in 1969, when Subject was only eight years old. He shot the victim when the latter retired from his career with PG&E. See psychological diagnosis in POR, page 15, Schizotypal and Borderline personality disorder.

Transfer to CMC-East as Category P for sheltered environment and possible on-going psychiatric monitoring.

SUPERVISOR:

Albert Ng, CC-III  
8-3-82



SOCIAL FACTORS

Parents:	Name	AGE DOB	Occupation	Address
Mother:	Marietta Snodgrass	48	Secretary/School	Pinole, CA 2664 Emma Dr.
Father:	Harold Snodgrass	Deceased		

Siblings:

1.	Kathy Snodgrass	25	PG&E	W/Mother
2.	DiAnna Snodgrass	23	Inst./Deaf	W/Mother
3.				
4.				
5.				

Marriages:	Location	Date	Current Address	Outcome
1.	N/A			
2.				

Not Legalized:

1.	N/A
2.	

Children:	DOB	Supported by	Living with
1.	N/A		
2.			
3.			
4.			

Family Arrest History:

1.	None
2.	
3.	

Social Security Number: 557-23-1806

Drivers License: N-8899119

Religion: Protestant

NAME SNODGRASS NUMBER C-50459 NRC-CMF cs DATE 8-2-82

BEST AVAILABLE

H  
HY. CA039015C. 07137757. CARM C50459

71293 1115  
CY 1238  
H TCY

E: QHY. CA039015C. 07137757. CARM C5 DATE: 07-12-93 TIME: 11:12:20  
RESTRICTED-DO NOT USE FOR EMPLOYMENT, LICENSING OR CERTIFICATION PURPOSES  
TTN: CARM C50459

\* III CALIFORNIA ONLY RECORD  
II/A07137757  
OB/08-04-1961 SEX/M RAC/WHITE  
GT/509 WGT/135 EYE/GRN HAI/BRO POB/CA  
AM/01 SNODGRASS, GARY RANDALL

PC HENRY  
2 M 25 - OOI -  
S 2 U OIO 11

BI/73526AA6  
DL/N8899119  
OC/557231806  
NN/CDC-C050459

\* \* \*

ARR/DET/CITE: NAM: 01  
1-18-81 CAPD PINOLE

NT: 01 #X3827  
187 PC-MURDER

COURT: NAM: 01  
07-13-82 CASC CONTRA COSTA CO

NT: 01 #26252  
187 PC-MURDER: SECOND DEGREE  
DISPO: CONVICTED  
CONV STATUS: FELONY  
COM: 15 YR TO LIFE

\* \* \*

ARR/DET/CITE: NAM: 01  
1-18-81 CASO MARTINEZ

NT: 01 #8111585J  
187 PC-MURDER  
COM: FOR DISPO SEE ENTRY OF 11-18-81 CAPDPINOLE NBR  
X3827

\* \* \*

ARR/DET/CITE: NAM: 01  
05-13-82 CASO MARTINEZ

NT: 01 #82006907J  
187 PC-MURDER: SECOND DEGREE  
COM: DKT NBR 26252

\* \* \*

USTODY: CDC NAM: 01  
7-19-82 CASD CORRECTIONS

NT: 01 #C-50459  
187 PC-MURDER: SECOND DEGREE  
SEN: 15-LIFE  
COM: SEN FROM CONTRA COSTA CO/SC#26252  
\* \* \* END OF MESSAGE \* \* \*



STATE OF CALIFORNIA  
DEPARTMENT OF JUSTICE  
BUREAU OF CRIMINAL  
IDENTIFICATION

REQUESTED FOR: CADJ SACRAMENTO  
ATTN: COMMAND CENTER RNC D2  
REQUESTED BY: CA0349400 MNEMONIC: JCC  
DATE: 08-15-83 TIME: 12:44:59 PAGE: 001

CRIMINAL HISTORY TRANSCRIPT FOR OFFICIAL USE ONLY  
\*UNAUTHORIZED USE IS A CRIMINAL OFFENSE\*

CII NUMBER	DOB	SEX	RACE	HGT	WGT	EYE	HAIR	POB
AD7137757	08-04-61	M	W	509	135	GRN	BRO	CA

NAMES  
01 SNODGRASS, GARY RANDALL

MISCELLANEOUS NUMBERS  
FBI-073528AA6  
CDL-N8899119  
SOC-557231806  
INN-CDC-CD50459

FPC HENRY  
12 M 25 - 001 -  
S 2 U 010 11

MICROFILMED AT CDC

DATE	AGENCY/FILE NUMBER	NAME	COUNT	ACTION
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APPLICANT:

03-19-81 CASDAPPLICANT AGENCY  
2-26-81

01 01 APPLICANT LICENSE OR  
PERMIT  
COM: ORI-INSURANCE, SACRAMENTO

ARR/DET/CITE:

11-18-81 CAPDPINOLE  
X3827

01 01 187 PC-MURDER

COURT:

07-13-82 CASCONTRA COSTA  
26252

01 01 187 PC-MURDER, SECOND  
DEGREE  
-COMMITTED TO STATE  
PRISON  
FELONY  
COM: 15 YR TO LIFE

ARR/DET/CITE:

11-18-81 CASOMARTINEZ  
8111585J

01 01 187 PC-MURDER

COM: FOR DISPO SEE ENTRY OF  
11-18-81 CAPDPINOLE NBR X3827

DATE: 08-15-83 TIM :44:59 PAGE: 002  
CII NUMBER: AD7137757 NAME: SNODGRASS, GARY RANDALL

CRIMINAL HISTORY TRANSCRIPT FOR OFFICIAL USE ONLY  
\*UNAUTHORIZED USE IS A CRIMINAL OFFENSE\*

DATE	AGENCY/FILE NUMBER	NAME	COUNT	ACTION
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ARR/DET/CITE: 05-13-82	CASOMARTINEZ 82006907J	01	01	187 PC-MURDER, SECOND DEGREE COM: DKT NBR 26252
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CUSTODY: CDC 07-19-82	CASDCORRECTIONS C-50459	01	01	187 PC-MURDER, SECOND DEGREE SEN: 15-LIFE,
--------------------------	----------------------------	----	----	--

COM: SEN FROM CONTRA COSTA  
CO/SC#26252

END OF TRANSCRIPT

00483

RECALCULATION OF MEPD FOR 15-LIFE AND 25-LIFE PRISONERS  
 RECEIVED PRIOR TO 5-27-87  
 PURSUANT TO IN RE MONIGOLD (1988) 205 CAL. APP. 3d 1227  
 NO DSL TERM OR DSL TERM COMPLETED

A. CREDITS VESTED PER PC2934 (If offense date prior to 1-1-83)

1. Total days served prior to waiver date (Waiver date - received date + postsentence credit) = 444 ✓  
 2.  $A1 \div 2$  (round down) = 222  
 3. Less credits lost per PC2932 = 0  
 4. Credits to be vested = 222

B. MAXIMUM ELIGIBLE PAROLE DATE

1. 7-14-82 + 15 = 7-19-97 ✓  
 RECEIVED DATE TOTAL TERM  
 2. Less total preincarceration credit = 98 ✓  
 3. Less A4 OR vest 1/2 postsentence credit = 222 ✓  
 4. MAXIMUM ELIGIBLE PAROLE DATE = 9-2-96

C. WORKTIME CREDIT PER PC2933/PC2934

1. Less MEI worktime credit earned from waiver/ received date through 2-15-89 or end of DSL term if later = 1896 ✓  
 2. Current MEPD (cannot exceed B4) = 6-25-91

D. GOOD TIME CREDIT PER PC2931

1. Date credit applied through (2-15-89 or date DSL term ends if later) = 2-15-89  
 2. Days left to serve = 5160  
 3. Divide by 3 (round up) = 1720  
 4. PC Balance (D3  $\div$  4) = \_\_\_\_\_  
 5. BC Balance (D4 x 3) = \_\_\_\_\_

E. RECALCULATED MEPD (C2 - D3)

1. Add credits lost for CDC 115's after D1 + PC BC \_\_\_\_\_  
 2. Subtract restorations for credit losses in E1 - PC BC \_\_\_\_\_  
 3. New PC/BC Balance PC= \_\_\_\_\_ BC= \_\_\_\_\_  
 4. Add any 7 or 9 year MEPD, CS Life term(s) + \_\_\_\_\_

F. ADJUSTED MEPD (E + E1 - E2 + E4)

G. INITIAL PAROLE CONSIDERATION HEARING

(13 months prior to F) \_\_\_\_\_ month/year

H. NEXT DOCUMENTATION HEARING

\_\_\_\_\_ month/year

Your Minimum Eligible Parole Date has been recalculated pursuant to In Re Monigold and you have been granted 1896 days worktime credit from 10-1-83 through 2-15-89 the end of your DSL term (circle one). Your recalculated/adjusted (circle one) MEPD is 9-11-90. Your initial life parole consideration hearing will be scheduled during the month of \_\_\_\_\_/first available calendar (circle one).

Rene Rodriquez  
 CASE RECORDS STAFF

2/16/2008  
 DATE

C50459  
 NUMBER

Snodgrass  
 NAME

D-1  
 INSTITUTION

5/89

FORM A - SIDE 1



SOURCE

California Board of Prison Terms Rules and Regulations in CCR 15, Div. 2, § 2290 (b) states: "The suggested amount of postconviction credits is 4 months for each year served since the date the life term started."

<u>ACTUAL TIME SERVED</u>			<u>POSTCONVICTION CREDITS</u>			<u>EQUIVALENT PRIMARY TERM</u>		
<u>YEARS</u>		<u>MONTHS</u>		<u>MONTHS</u>		<u>MONTHS</u>		<u>YEARS/MONTHS</u>
07	or	084	+	028	=	112	or	09/4
08	or	096	+	032	=	128	or	10/8
09	or	108	+	036	=	144	or	12/0
10	or	120	+	040	=	160	or	13/4
11	or	132	+	044	=	176	or	14/8
12	or	144	+	048	=	192	or	16/0
13	or	156	+	052	=	208	or	17/4
14	or	168	+	056	=	224	or	18/8
15	or	180	+	060	=	240	or	20/0
16	or	192	+	064	=	256	or	21/4
17	or	204	+	068	=	272	or	22/8
18	or	216	+	072	=	288	or	24/0
19	or	228	+	076	=	304	or	25/4
20	or	240	+	080	=	320	or	26/8
21	or	252	+	084	=	336	or	28/0
22	or	264	+	088	=	352	or	29/4
23	or	276	+	092	=	368	or	30/8
24	or	288	+	096	=	384	or	32/0
25	or	300	+	100	=	400	or	33/4
26	or	312	+	104	=	416	or	34/8
27	or	324	+	108	=	432	or	36/0
28	or	336	+	112	=	448	or	37/4
29	or	348	+	116	=	464	or	38/8
30	or	360	+	120	=	480	or	40/0
31	or	372	+	124	=	496	or	41/4
32	or	384	+	128	=	512	or	42/8
33	or	396	+	132	=	528	or	44/0
34	or	408	+	136	=	544	or	45/4
35	or	420	+	140	=	560	or	46/8

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# **EXHIBIT D**

**01-23-1990 LIFE PRISONER EVALUATION**

**EXHIBIT D**

## CALIFORNIA MEDICAL FACILITY

## PSYCHOLOGICAL EVALUATION FOR THE BOARD OF PRISON TERMS

FEBRUARY 1990 CALENDAR

This is the third report to the Board of Prison Terms concerning this 28-year-old first-terminer received in CDC on 7-19-82 for Murder Second Degree. The victim was his stepfather.

The present report is based on a review of the inmate's file and medical record, a 90-minute clinical interview, the Minnesota Multiphasic Personality Inventory, and consultation with staff involved with the prisoner.

## BACKGROUND

This man is a high school graduate with no record of prior offenses. The murder represented the culmination of years of feeling disregarded, put down, and emotionally abused by his stepfather. According to Mr. Snodgrass, his mother and stepfather had a conflictual off-again, on-again relationship that began a year or so after the death from Hodgkinson's disease of the biological father when the subject was five years old. Additionally, Mr. Snodgrass was sexually abused by the victim's son, who was 10 years older than the subject. Previous CDC evaluators have found no major mental disorder; a Passive Aggressive Personality Disorder was diagnosed in 1985, but the 1988 evaluator found no manifest psychopathology. He had eight months of group psychotherapy at CMF with Dr. Durbin in 1988. His institutional adjustment was good, with good job performance and no disciplinary infractions.

## PRESENT STATUS

Since the last BPT report, Mr. Snodgrass has continued to do well, remaining free from disciplinary citations and performing at a superior level in the Vocational Mill and Cabinet Program, developing a trade which he hopes to practice when paroled. He has been in individual and then in group psychotherapy with Dr. Fleming, appears committed to psychological growth, and feels that he has made much progress, especially in his sense of self-esteem and personal identity. He has read several books relevant to personal growth, and has sought out additional activities, such as participating in a series of group discussions based on videotapes of John Bradshaw's television series on dysfunctional families.

The Minnesota Multiphasic Personality Inventory (MMPI) results at this time are well within the normal range, consistent with freedom from diagnosable psychopathology. It was possible to compare these results with his response to the same test in October 1987, which was also consistent with minimal psychopathology, and the overall interpretation is that he has made significant growth. The current profile configuration indicates that Mr. Snodgrass is more open and self-accepting than he appeared in 1987. He is independent, resourceful, and energetic. He appears to have become more

SNODGRASS, Gary

C-50459

CMF-Main

1/25/90

SKH

1



sensitive to his own feelings, more emotionally expressive, more assertive, and increasingly secure in his masculine identity, all of which would decrease the likelihood of another violent offense. While his 1987 profile would not be interpreted as showing mistrustfulness and social alienation, his current profile suggests continuing progress in the domain of human relatedness. He probably has some continuing difficulty in the appropriate expression of anger, as people usually do when they shift from passivity to a mode of more open expression. He is very possibly showing some mild rebelliousness and resentfulness of authority, but it is stressed that, in an individual with his background this would appear to be a positive rather than a negative indicator. His profile suggests that he is likely to show continued growth in psychotherapy, is below average in susceptibility to substance abuse problems, and has personal qualities that should enable him to move into leadership roles as he matures. Research findings indicate that inmates with profiles similar to that of Mr. Snodgrass have a good prognosis for parole success, and are relatively unlikely to be reoffend.

#### DIAGNOSIS

No manifest psychopathology.

#### CONCLUSIONS AND RECOMMENDATIONS

Over his years in prison, Mr. Snodgrass has matured considerably. His parole plans are realistic and consistent with his skills and interests, and he is seen as having benefitted maximally from incarceration. His violence potential is considered to be well below the average for this population, as is his risk for recidivism. It is anticipated that he will be able to maintain present gains when paroled. No particular needs for other-than-routine parole management are apparent. Continued psychotherapy is highly recommended, not because of diagnosable psychopathology, but because of the more subtle problems posed for emotional development and intimate relationships by his life experiences. Parole prognosis is favorable.

*Sharon K. Halpern*

SHARON K. HALPERN, Ph.D.  
Staff Psychologist

#### NOTED AND APPROVED:

*Paul Morentz*

PAUL MORENTZ, M.D., Chief Psychiatrist  
Inpatient/Outpatient Services

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# **EXHIBIT E**

**06-20-1985 INITIAL PSYCH EVALUATION**

**EXHIBIT E**

COPY SENT TO INMATE 6-21-85

PSYCHOLOGICAL EVALUATION FOR THE BOARD OF PRISON TERMS  
 June, 1985, Calendar  
 DEUEL VOCATIONAL INSTITUTION

This is the first psychological evaluation to the Board on this twenty-three-year-old first term. Mr. Snodgrass was committed from Contra Costa County on July 19, 1982 for Murder Second Degree with a sentence of fifteen years to life. This report is based on review of medical and central files and one clinical interview.

The commitment offense was discussed with Mr. Snodgrass. He reiterated the offense as described in the Probation Officer's Report, saying that his step-father had alternately "ignored" or "berated" him. His anger and frustration built up and he fatally shot his step-father.

When he was five years of age, Mr. Snodgrass' father died of Hodgkinson's disease. In 1969 his mother remarried, but the new marriage was a stormy one. After numerous separations, the couple was divorced in 1976. However, three years later they were again married. Apparently the relationship between Mr. Snodgrass and his step-father was always problematic. In addition, Mr. Snodgrass was sexually abused by a step-brother who was ten years his senior.

There is no prior criminal history. Drug use was limited to the occasional use of marijuana and beer. Prior to his transfer to DVI, Mr. Snodgrass was at Folsom and San Quentin. While at Folsom he was unassigned, but spent a brief time in school and seven months in Vocational Office Business Machines at San Quentin. Currently he is assigned to Industries, working in the wood shop. Institutional adjustment has been good with no disciplinary documentations.

There is no history of psychological intervention prior to one week before the commitment offense. At that time Mr. Snodgrass saw a psychologist at the urging of his mother. The psychologist recognized that the young man "was in trouble in a lot of areas of his life." However, the offense occurred on the day of his second appointment. For six months before his trial, Mr. Snodgrass was seen by a second psychologist. Family dynamics were explored in a treatment setting and this psychologist offered psychological explanations for the offenses. His diagnoses were schizotypal personality disorder and borderline personality disorder.

Upon interview, he presented a courteous and cooperative manner. He was well-groomed and behaved appropriately. There is no indication of gross psychopathology as might be associated with psychosis or organic brain dysfunction or mental deficiency. Conversation was relevant and coherent. Native intelligent appears to be within the normal range.

Diagnosis: Passive-aggressive personality disorder.

Conclusions: The commitment offense is indirectly related to the psychological diagnosis. Violence potential has diminished. Three years have passed since Mr. Snodgrass was last evaluated. Most of the signs of mental disorder listed by the pretrial psychologist were not evident. A developing maturity was noticed. Nevertheless, a Category T for psychological treatment is recommended. Emotional conflicts related to his past family situation have been merely buried, not resolved.



Before Mr. Snodgrass can progress in rebuilding his life, he must have psychological treatment.

*B. J. Krepps Ph.D.*

B. J. Krepps, Ph.D.  
Staff Psychologist

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# **EXHIBIT F**

**08-17-1988 PSYCHOLOGICAL EVALUATION**

**EXHIBIT F**

CALIFORNIA MEDICAL FACILITY  
Vacaville, CaliforniaPSYCHOLOGICAL EVALUATION FOR THE BOARD OF PRISON TERMS  
October 1988 Calendar

This is the second psychological report to the paroling authority on this 27 year old white inmate with the controlling crime of second degree murder of his stepfather. He was seen on 8/15/88, in a single interview, for purposes of this report only.

On interview, Mr. Snodgrass presented as a small-framed man with a moustache wearing a white convention-delegate-style hat. He projected a somewhat defensive, rather jaunty and jocular manner that was intended to conceal his underlying vulnerability. However, these masking efforts did not appear to be evidence of a deep-seated personality disorder so much as a superficial defensive style. Generally, Mr. Snodgrass was open, cooperative and respectful. He was clearly reaching for emotional insight and groping toward some reconciliation with his past. He has obviously worked hard on his ability to express his emotion verbally as well as to change his historical pattern of interpersonal withdrawal and estrangement.

Affect was slightly depressed but appropriate to the situation, intelligence and reasoning ability appeared average, and no signs of gross psychopathology such as psychosis, thought disturbance, or organic brain illness were noted. Mr. Snodgrass seemed realistic about himself and the possibilities in life that are open to him. While he reported transient bouts of depressive emotion which he experiences as a sense of sadness and loss, these symptoms appear related more to situational limitations than to serious neurosis at this time. Noted is that he has regularly attended group therapy with staff psychologist Dr. Nora Durbin over the last eight months. He has solid plans to continue treatment and perhaps also attend family counseling with his mother, who has remained supportive, upon parole.

His offense was discussed with him and he showed an appropriate degree of remorse as well as an awareness of his gross immaturity and low self-worth at the time of committing this crime at age 20.

In a less controlled setting, Mr. Snodgrass would be expected to maintain his gains. He has shown that he is able to deal with disappointments and frustrations in a controlled and realistic fashion. He has actively worked on uncovering the roots of the psychological/emotional problems that were indirectly related to his commitment offense.

Specifically, he has worked on verbal assertiveness and verbal expression of hurt, helplessness and anger as well as on understanding the present day effects of his background of emotional abuse and deprivation. Growth toward maturity and the productive use of his time were apparent.



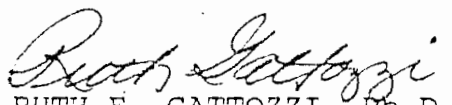
In summary, Mr. Snodgrass appears better organized and less conflicted or guarded than described in previous reports. Violence potential, related in the past to unusual circumstances unlikely to recur, is considered very low.

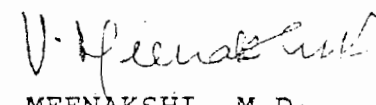
DIAGNOSTIC IMPRESSION: No manifest psychopathology at this time..

RECOMMENDATION: Parole prognosis is favorable. There are no specific psychiatric recommendations regarding the conditions of parole at this time.

---

NOTED AND APPROVED:

  
RUTH E. GATTOZZI, Ph.D.  
Staff Psychologist

  
V. MEENAKSHI, M.D.  
Chief Psychiatrist

---

# **EXHIBIT G**

**01-25-1990 PSYCHOLOGICAL EVALUATION**

**EXHIBIT G**

## CALIFORNIA MEDICAL FACILITY

## PSYCHOLOGICAL EVALUATION FOR THE BOARD OF PRISON TERMS

FEBRUARY 1990 CALENDAR

This is the third report to the Board of Prison Terms concerning this 28-year-old first-terminer received in CDC on 7-19-82 for Murder Second Degree. The victim was his stepfather.

The present report is based on a review of the inmate's file and medical record, a 90-minute clinical interview, the Minnesota Multiphasic Personality Inventory, and consultation with staff involved with the prisoner.

## BACKGROUND

This man is a high school graduate with no record of prior offenses. The murder represented the culmination of years of feeling disregarded, put down, and emotionally abused by his stepfather. According to Mr. Snodgrass, his mother and stepfather had a conflictual off-again, on-again relationship that began a year or so after the death from Hodgkinson's disease of the biological father when the subject was five years old. Additionally, Mr. Snodgrass was sexually abused by the victim's son, who was 10 years older than the subject. Previous CDC evaluators have found no major mental disorder; a Passive Aggressive Personality Disorder was diagnosed in 1985, but the 1988 evaluator found no manifest psychopathology. He had eight months of group psychotherapy at CMF with Dr. Durbin in 1988. His institutional adjustment was good, with good job performance and no disciplinary infractions.

## PRESENT STATUS

Since the last BPT report, Mr. Snodgrass has continued to do well, remaining free from disciplinary citations and performing at a superior level in the Vocational Mill and Cabinet Program, developing a trade which he hopes to practice when paroled. He has been in individual and then in group psychotherapy with Dr. Fleming, appears committed to psychological growth, and feels that he has made much progress, especially in his sense of self-esteem and personal identity. He has read several books relevant to personal growth, and has sought out additional activities, such as participating in a series of group discussions based on videotapes of John Bradshaw's television series on dysfunctional families.

The Minnesota Multiphasic Personality Inventory (MMPI) results at this time are well within the normal range, consistent with freedom from diagnosable psychopathology. It was possible to compare these results with his response to the same test in October 1987, which was also consistent with minimal psychopathology, and the overall interpretation is that he has made significant growth. The current profile configuration indicates that Mr. Snodgrass is more open and self-accepting than he appeared in 1987. He is independent, resourceful, and energetic. He appears to have become more

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sensitive to his own feelings, more emotionally expressive, more assertive, and increasingly secure in his masculine identity, all of which would decrease the likelihood of another violent offense. While his 1987 profile would not be interpreted as showing mistrustfulness and social alienation, his current profile suggests continuing progress in the domain of human relatedness. He probably has some continuing difficulty in the appropriate expression of anger, as people usually do when they shift from passivity to a mode of more open expression. He is very possibly showing some mild rebelliousness and resentfulness of authority, but it is stressed that, in an individual with his background this would appear to be a positive rather than a negative indicator. His profile suggests that he is likely to show continued growth in psychotherapy, is below average in susceptibility to substance abuse problems, and has personal qualities that should enable him to move into leadership roles as he matures. Research findings indicate that inmates with profiles similar to that of Mr. Snodgrass have a good prognosis for parole success, and are relatively unlikely to be reoffend.

#### DIAGNOSIS

No manifest psychopathology.

#### CONCLUSIONS AND RECOMMENDATIONS

Over his years in prison, Mr. Snodgrass has matured considerably. His parole plans are realistic and consistent with his skills and interests, and he is seen as having benefitted maximally from incarceration. His violence potential is considered to be well below the average for this population, as is his risk for recidivism. It is anticipated that he will be able to maintain present gains when paroled. No particular needs for other-than-routine parole management are apparent. Continued psychotherapy is highly recommended, not because of diagnosable psychopathology, but because of the more subtle problems posed for emotional development and intimate relationships by his life experiences. Parole prognosis is favorable.

*Sharon K. Halpern*

SHARON K. HALPERN, Ph.D.  
Staff Psychologist

NOTED AND APPROVED:

*Paul Morentz*  
PAUL MORENTZ, M.D., Chief Psychiatrist  
Inpatient/Outpatient Services

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# **EXHIBIT H**

**05-30-1991 CATEGORY – X EVALUATION**

**EXHIBIT H**

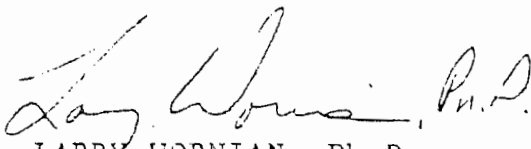
SNODGRASS, Gary C-50459

May 30, 1991

## CATEGORY X COUNCIL EVALUATION

Mr. Snodgrass was provided with his Category X reports prior to the final council meeting and had an opportunity to read them. He proved to be pleased with the assessment process, the reports, and the favorable opinions contained therein.


Both evaluators were in agreement that Mr. Snodgrass has a very good prognosis for parole. Both evaluators also expressed some very minor concerns regarding facets of Mr. Snodgrass's response to social situations. Dr. Bruce, for example, touched on Mr. Snodgrass's mild tendency to isolate himself, while Dr. Ishida reiterated some concerns regarding the dimensions of Mr. Snodgrass's relationship with his mother following his release. On the whole, however, Mr. Snodgrass seemed to have matured significantly during the course of his incarceration, having productively utilized the time in prison as an opportunity to address and begin to resolve some of the fundamental issues that led to the instant offense. Mr. Snodgrass also spoke briefly of his vocational and educational aspirations, and he was commended for his efforts in trying to improve himself. Again, it was agreed that the social and psychological factors considered during the course of this assessment appeared improved, and a positive social adjustment is expected once parole is approved and the inmate released from CDC.



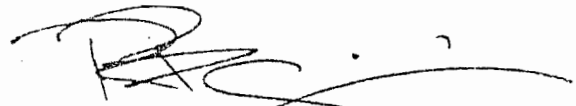
LARRY WORNIAN, Ph.D.  
Staff Psychologist  
Chairman



RANALD BRUCE, Ph.D.  
Staff Psychologist  
Coordinator

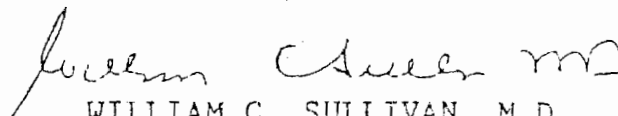


HELEN ISHIDA, Ph.D.  
Staff Psychologist



ROBERT E. BENJAMIN  
Corr. Counselor

Reviewed by:



WILLIAM C. SULLIVAN, M.D.  
Chief Psychiatrist (A)

SNODGRASS, Gary C-50459 SAN QUENTIN CATEGORY X

5/30/91



SNODGRASS, Gary C-50459

May 29, 1991

## CATEGORY X PSYCHOLOGICAL EVALUATION

## Tests Administered:

Objective - MMPI, MCMI, CPI, CAQ

Intellectual - WAIS-R

Projectives - Rorschach, TAT

## PERSONALITY DYNAMICS RELATED TO THE OFFENSE:

In many offenses the underlying dynamics that contributed to an offense remain difficult to discern. Mr. Snodgrass's case is one in which the causative factors are clearly in evidence. It is not difficult to understand how a childhood of pointed, continuing and uncalled for emotional and psychological abuse at the hands of a step-father who tacitly allowed the overwhelming victimization of his step-son, failed to discharge his paternal responsibility to protect a child in his care, and used his position to degrade and brutalize this child, could lead to the rage expressed in Mr. Snodgrass's offense. If an "eye for an eye" mentality still underlies and motivates our penal system, we must admit that at least Mr. Snodgrass was direct enough to take revenge on the source of his problems rather than some random victim of displaced anger, which is more commonly the case. Although Mr. Snodgrass's actions were intemperate and wrong from a coolly logical standpoint, the degree of loss, abuse and uncalled for belittlement he was forced to suffer over an extended period of time would have taxed the psychological resources of the strongest. He was being driven slowly mad by an opponent he could not avoid, appease or enjoin. The same one who tormented him about his lack of ability to emancipate simultaneously and for a long time had destroyed his ability to feel the self-confidence and strength to emancipate. This is a double-bind with no apparent solution other than one with the gravest of consequences. Mr. Snodgrass acted irrationally and then with a clear rationality and determination sought to put his life back together.

1. Violence Potential:

Mr. Snodgrass's test results were uniformly encouraging. He has superior intelligence, little or no antisocial leanings, an excellent degree of psychological integration and development, good insight, adequate controls and realistic plans for the future. His parole prognosis appears excellent.

2. Ability to Abstain from Alcohol/Drugs:

Testing and history suggests little or no reasons for concern in this area. His abuse of marijuana and alcohol at the time of his offense were clearly situationally related and given his degree of stress, were still much less than they might have been. He does not appear to be inclined to drug or alcohol abuse.

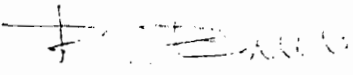
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3. Exploration of Offense:

Mr. Snodgrass shows an admirable and thorough grasp of the dynamics of his offense. This is due in great part to his determination and vigor in seeking treatment and understanding of himself purely out of self-concern and without the need of external motivation.

4. Need for Treatment:

Mr. Snodgrass needs no further treatment to be ready for parole.

  
RANALD BRUCE, Ph.D.  
Staff Psychologist

SNODGRASS, Gary Randall C-50459

May 20, 1991

## CATEGORY X PSYCHOLOGICAL EVALUATION

## BOARD OF PRISON TERMS REFERRAL QUESTIONS

1. Violence Potential: Mr. Snodgrass's violence potential is judged to be well below average for an inmate with a 15 year to life term. The likelihood that he will violently act out is minimal. He has no record of offenses nor a history of violence prior to the commitment offense. There is also no history of violent behavior during his nine years of incarceration. There are no organic factors which would increase his violence potential.
2. Significance of Alcohol and Drugs: The use of alcohol and drugs was not directly related to the commitment offense although it may have been a contributing factor. He does have a history of alcohol and cannabis abuse, particularly in the months prior to the instant offense. He drank heavily and smoked pot to avoid problems and escape reality. With impaired judgment and numbing effect resulting from substance abuse, he became even less capable of constructive problem-solving. Since his past history indicates a tendency towards substance abuse in the face of psychosocial stresses, continued participation in such self-help programs as A.A. is recommended.
3. Exploration of Commitment Offense: Mr. Snodgrass has a high degree of insight and understanding of the factors which contributed to the commission of the crime. He has made substantial gains through his efforts in therapy as well as reading and self-introspection. At the time of the offense, Mr. Snodgrass felt no remorse for the victim, only a great sense of relief that the victim was out of his life. He did feel regret towards his mother when he saw how badly he had hurt her. He gradually began to feel remorse. "Even though he was a bully, and I hated him, I didn't have a right to do what I did. He didn't deserve that."
4. Need for Therapy: As attested to by past psychological evaluations, Mr. Snodgrass has made considerable progress towards self-understanding and personal growth. There are a few areas which will, in all likelihood, pose some difficulties for him. As he attempts to individuate and psychologically separate from his mother, unresolved issues with her may surface. Problems may arise in future relationships in such areas as expressing anger and intimacy. Since he tends to be passive in his orientation but feels a need to show more initiative and to do things, this may be a source of conflict. More insight-oriented therapy will be beneficial to Mr. Snodgrass but is not mandatory for parole.

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SQ CATEGORY X

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SNODGRASS, Gary Randall C-50459

CATEGORY X PSYCHOLOGICAL EVALUATION

I. IDENTIFICATION:

Gary Randall Snodgrass is a 29-year old single Caucasian male, an American of Scottish/Irish/German heritage and a high school graduate. He is serving a 15-year to life sentence for Murder 2nd degree. He has had three psychological evaluations while in the CDC. This report is based on a review of the inmate's central file, medical and psychiatric records as well as ten hours of individual interviews in the past thirty days.

II. PERSONAL HISTORY PRIOR TO COMMITMENT:

A. Childhood: Mr. Snodgrass was born on August 4, 1961 in Oakland, California and reared in Pinole Valley by his natural parents until age five. He is the youngest of three children; his sister Kathy is four years his senior and sister Diana two years his senior. He was a healthy child with no serious illnesses. His earliest memory at age three is of Blackie, the family dog, romping around with his two sisters.

Mr. Snodgrass described his father as a kind, caring man. He does not remember playing with him or being disciplined by him. His father was diagnosed with Hodgkin's disease in 1958, three years prior to Mr. Snodgrass's birth and died in 1966 when Mr. Snodgrass was age five. His father worked as a printer for the Richmond Independent newspaper, but became progressively weaker, especially during the last year of his life. Mr. Snodgrass recalled one incident when paramedics came to his house and two visits to the hospital before his father died.

At this tender young age, Mr. Snodgrass was not aware of how seriously ill his father was. He remembers asking his mother when his father was going to get well. Shortly after his death, he recalled having a nightmare of a monster chasing after him and of waking up screaming. His mother came to comfort him.

Mr. Snodgrass described his mother as "very nice with a good disposition and nice personality." He perceives her as strong in her ability to cope with difficult situations without showing much emotion. She provided him with material goods but "lacked emotional leadership" in that she was not sufficiently sensitive to pick up on Mr. Snodgrass's emotional needs. She started working as a secretary at Kohler Chemical Company after his father's death.

Since feelings were never discussed in his family, Mr. Snodgrass never learned to communicate emotions and was not able to articulate what he

was feeling. Since early childhood, he felt isolated with emotional needs unmet.

Within a period of a year and a half, he sustained a series of significant losses: his father, paternal grandfather, uncle Ben (family friend), and Calvin, his mother's first male relationship after his father's death. They were all men he liked and respected. Calvin had spent time with Mr. Snodgrass. He took him to auto races and to meet his son who was about the same age, bought boxing gloves for him and taught him to spar. Mr. Snodgrass never saw Calvin after his mother broke up with him.

Mr. Snodgrass's memories of school are vague, preoccupied as he was with traumatic emotional upheavals during those years. He did remember the names of his teachers from grades one thru three, and that he generally did satisfactory work. He recollected having problems with arithmetic in the second grade and of receiving some extra help after school.

Some time between the second and third grades when Mr. Snodgrass was age eight his mother remarried. She had joined Parents Without Partners and met a man 17 years her senior, John Nailen, who had a daughter Colleen age 17 and son John Jr. age 16 from a previous marriage. Prior to the wedding, Mr. Snodgrass met the Nailen family at a couple of group activities such as picnics, but never "felt right" about John Nailen and felt depressed when his mother married him.

After the marriage, the Snodgrass family moved to his stepfather's home in Concord. Mr. Snodgrass shared a room with his sister Diana in the garage which had been converted into a bedroom. His sister Kathy shared a room with stepsister Colleen, and stepbrother John Jr. had his own room. His mother worked as a secretary at the grammar school where Mr. Snodgrass attended.

John Jr. was put in charge of taking care of Mr. Snodgrass after school until the parents returned from work. As described by Mr. Snodgrass, "John Jr. was a sadistic punk who deliberately tried scaring me to death. Maybe he saw me as too sensitive and a mama's boy and tried to toughen me up. He tortured and roasted tadpoles. He persuaded me to smoke and tried to corrupt me. He put me through shit."

To Mr. Snodgrass at age eight, John Jr. was a physically imposing, intimidating figure. John Jr. was 6'3" tall and ten years his senior, "a carouser who didn't do well in school, and like his father, a mean bully." Mr. Snodgrass liked having the company of a big brother but predominantly felt terrorized and helpless. He was sexually abused by John Jr. The enormity of the traumatization was evident in his statement, "I don't want to talk about it." He did reveal one incident of

John Jr.'s soiled underpants being put over his head and of being forced to perform oral sex. Forced oral and anal intercourse continued once a week over a period of a year and a half. The sadistic coercion left Mr. Snodgrass feeling powerless and humiliated.

When he was alone with his mother, he attempted to bring the abuse to his mother's attention by stating, "When you and John are gone, John Jr. makes me do bad things." His mother failed to discern his distress and didn't "take heed." Mr. Snodgrass felt abandoned and defenseless. The sexual abuse continued until his mother's separation from John Nailen and their move back to Pinole.

Mr. Snodgrass described his mother's marriage to John Nailen as "tempestuous." He didn't know that they were separating until the day of the move, when he was taken out of class at school. His mother, sisters, and he moved back to their home in Pinole. After a year and a half, he felt he was truly home again. It was a good feeling to be back. He was also welcomed back by his schoolmates.

His mother and stepfather began attending marital counseling sessions, so that his stepfather spent Wednesday evenings and weekends with them in Pinole. He eventually moved in. His daughter had graduated from high school and married, and his son had joined the Air Force.

Mr. Snodgrass and his stepfather never hit it off. His stepfather was an insensitive, domineering man who was not interested in kids. He never talked to Mr. Snodgrass nor did anything with him except for two occasions. He once took him to a church sponsored father-son retreat. Mr. Snodgrass perceived this action on his stepfather's part was more to look good to others than to improve their relationship. He also remembered going with him to a RV show at the Oakland Coliseum. Mr. Snodgrass felt that he was treated by his stepfather as an object. The only time his stepfather addressed him was to order him to help with household chores. He felt emotionally neglected and hurt.

He completed the third grade in Concord and grades four to six in Pinole, making average grades. When he was between ages eleven and twelve, his mother told him one day after a Boy Scout meeting that she was getting a divorce. He began junior high school shortly thereafter. These were good times for Mr. Snodgrass. He made better grades - B's and A's, made new friends, and began enjoying social activities. In the eighth grade, he began experimenting with smoking cigarettes and marijuana.

B. Adolescence: At age fourteen, Mr. Snodgrass began ninth grade at a local high school which was within walking distance from his home. Although he went to a few football games, he didn't participate in any extracurricular activities. Of the classes he took, he liked his drama class in the ninth grade and shop class in the tenth. He gravitated towards the "stoners," troubled youths like himself



using alcohol and drugs to escape. He started drinking alcohol and smoking pot in the tenth grade, which later escalated to abuse. He was suspended once for cutting classes. He graduated high school as a member of the class of '79.

He continued to be lonely and emotionally isolated. He felt the absence of a loving father figure and a twinge of envy and longing when he saw his classmates' camaraderie and rapport with their dads. He was unable to be emotionally open with anybody. His closest friend was his cousin Mitch. His friendships were casual and superficial, based on common activities, e.g., riding bicycles and going to football games. He did go to a few Mason-sponsored dances.

In the latter part of his senior year, his mother went with a man named Jim for two to three months, another man in his mother's life who proved to be disappointing. Jim claimed to be a photo journalist but was a con man. Mr. Snodgrass later found out that Jim had previously married a woman for her community assets and set fire to the house to collect the money. Meanwhile his former stepfather had developed cancer of the spleen, and his mother helped nurse him back to health after his surgery. In 1980, his mother remarried him.

Mr. Snodgrass found out about the marriage fait accompli. "I didn't like it. I wasn't consulted. I inferred it didn't matter how I felt about it. Maybe she told me. Maybe I ignored it." But there was John Nailen back again, an unwelcome intruder in his life. Mr. Snodgrass felt considerable animosity and resentment.

After completing high school, Mr. Snodgrass enrolled at a junior college for auto shop, but dropped out shortly thereafter. He then worked doing odd jobs, e.g., at a gas station, landscaping, etc. He worked for one year at Grand Auto as a sales clerk. He was, in his words, "blowing it and screwing up." He was borrowing his mother's car, partying, drinking, and smoking pot.

In May 1980, Mr. Snodgrass was "shipped off" to Chico, where his sister Kathy was manager of a Jack-in-the-Box and stayed with her and her boyfriend for two to three months. His mother and stepfather saw it as a way to get Mr. Snodgrass to grow up. The day after his arrival, Mr. Snodgrass obtained a job at a carwash.

After staying a while with his sister and her boyfriend, Mr. Snodgrass felt that he was cramping his sister's style, so he began camping out in the park. He spent the summer there, and after his 18th birthday, he sold his bike and ventured out on his own. He headed north to Oregon, walking and hitchhiking. When he reached Salem, he stayed for several weeks with some old family friends. He wore out their welcome and was asked to leave. He, apparently, did not make any attempt to find a job or to earn his keep by helping them. They called his

mother and he was told to return home by bus. By this time, he had enough of his adventure and was ready to go home.

Mr. Snodgrass, tanned and trim, was welcomed back by his carousing friends, but not by his stepfather, who appeared to resent him even more. His mother, he thought, was probably disappointed, but seemed relieved to have him back. "Things became awkward around the house." There was mutual animosity between the two men. Mr. Snodgrass felt that his stepfather did not like him, did not want him there and wished he were gone. His stepfather never spoke to him except to order him and looked past him rather than at him. Mr. Snodgrass bitterly resented him. His stepfather had invaded his house. He was there before his stepfather, and he belonged there, and his stepfather did not. His mother was in denial in her apparent inability to acknowledge the hostility between the two or to perceive the extent of her son's hatred for his stepfather.

In the summer of 1981, Mr. Snodgrass went to Colorado Springs for a family reunion with his mother, stepfather, aunt, uncle and cousin. They traveled in a stationwagon jeep, attaching a trailer to it. It was a stressful two weeks for Mr. Snodgrass. He was forced to be in close proximity to his stepfather, who belittled and humiliated him in front of his relatives. Mr. Snodgrass also resented that his stepfather talked to his uncle about him and in turn, had his uncle talk to him, as if Mr. Snodgrass was "the problem."

After the vacation, Mr. Snodgrass was still at home, "acting irresponsibly and not growing up." His stepfather was now retired from PG&E, and since they were both at home, Mr. Snodgrass saw him as "more actively trying to push my buttons." Mr. Snodgrass tried to avoid him as much as possible. In preparation for his retirement, his stepfather had built a home in Rio Vista, and he informed Mr. Snodgrass one day that he and his mother were planning to move there and to rent their present house. He indicated that he expected Mr. Snodgrass to move out of the house.

For Mr. Snodgrass, this was the last straw. He was being kicked out of his home. The only source of his security was being threatened. He did not feel he had the resources to make it outside his home. "I wasn't able to make it on my own. I felt I couldn't carry myself out there. I was losing my mother to my stepfather and there was jealousy. Anger was stewing in me. Over the years of the negative relationship, I wanted love and acceptance and was not getting it. It was always on my mind."

Mr. Snodgrass interviewed for a job at PG&E which his stepfather arranged for him. His stepfather's brother conducted the interview, but Mr. Snodgrass did not get the job. He was disappointed, but not terribly. Mr. Snodgrass did not want to work. "Deep down, I didn't want it. I wanted to be taken care of." In his needy regressed state,

infantile rage against the imminent abandonment was beginning to mount and the inner tension barely containable. Mr. Snodgrass spent several months in this emotional state prior to the instant offense.

### III. FAMILY HISTORY:

Mr. Snodgrass was age five when his father died of Hodgkin's disease. His mother was also age five when her mother died. Mrs. Snodgrass was born in Wichita, Kansas, the youngest of fourteen children in a farming family. She was also quite young when her father remarried a "mean and sadistic" woman. Mr. Snodgrass's mother currently works as a secretary for the Richmond School District. Through the years of his incarceration, she has been supportive and visits him regularly. Although his mother does not divulge much about herself or her emotions, Mr. Snodgrass feels that he has been able to become more open about his emotions and can talk to her about anything.

When Mr. Snodgrass was age eight, his mother married John Nailen. Mr. Nailen, born one of six children to a coal-miner's family also lost his mother at a young age. He was ten when his mother died and he was sent to an orphanage for two years. It can be inferred that he grew up in an impoverished atmosphere. He pulled himself up by his own bootstraps to make it on his own, but also became a hard-driving insensitive man. In a 2/22/83 letter from Mr. Snodgrass's mother to CDC, she described Mr. Nailen as an "unloving, overbearing, hateful stepfather." He worked for PG&E until his retirement and was killed soon after he retired. He was 60 years old at the time of his death.

Mr. Snodgrass's sister Kathy is married with a son age three. She works for PG&E and her husband works for the Post Office. Mr. Snodgrass describes his oldest sister as an outgoing, friendly, and active person.

His sister Diana is currently living at home with his mother after studying at the Moody Bible Institute in Chicago. Her work pattern tends to be a cyclic one of work and study. Mr. Snodgrass described her as academically and people-oriented, overweight, nice, rather dramatic and theatrical. Of the three siblings, Mr. Snodgrass perceives her to be the most insecure. She had a bedwetting problem in childhood and was relentlessly made fun of by her stepfather.

Mr. Snodgrass is not aware of any serious medical or psychiatric problems in his family except for his father's Hodgkin's disease. He has had no contact with his step-siblings and no knowledge of their present whereabouts.

### IV. HISTORY OF PRESENT COMMITMENT:

Several months before the crime, Mr. Snodgrass was becoming increasingly more desperate and distraught at the prospect of being

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abandoned, with no place to stay, no job, and no mother to take care of him. He was seething inside and felt emotionally isolated. He lapsed into an irrational state of rage towards his stepfather. One week prior to the shooting, Mr. Snodgrass went to see a psychologist in response to his mother's request. He had told her that his stepfather "pushed his button" and so enraged him that he felt like hitting him with a wine bottle. For the first time, his mother confronted his stepfather about the adverse effect of his behavior on her son. His stepfather reacted incredulously and did not acknowledge the situation.

Mr. Snodgrass decided one night, after partying, to actually go through with the killing. In the morning, while his stepfather was driving his mother to work, Mr. Snodgrass got out of bed and took his stepfather's rifle and shells out of the closet, wrapped them in a blanket and stashed them in the garage. He then went back to bed. When his stepfather returned, he roused Mr. Snodgrass out of bed and ordered him to put the cat out and to go get a job.

Mr. Snodgrass went outside to the side door of the garage and retrieved the rifle. He sat down with the rifle and "fiddled around to see how it worked." He loaded the shells and in the process shot off a round. He did not know if it discharged accidentally or if he had shot it off. There was a loud noise, and he knew that his stepfather would be coming out to check out the noise.

Mr. Snodgrass heard the door open. He had mixed "surreal" feelings of acting out of his own volition and, at the same time, feeling out of control, thrust in a position in which he was driven to act. When his stepfather appeared, Mr. Snodgrass aimed the rifle at him and pulled the trigger, but somehow he had engaged the safety latch. His stepfather looked surprised and taken aback; he slammed the door shut and retreated out of the line of fire.

The next door neighbor had also heard the shot and saw Mr. Snodgrass with the rifle, talking to someone. Mr. Snodgrass was, in fact, telling his stepfather how angry he was at the way his stepfather was acting toward him now and in the past. Despite previous family counseling sessions, during which his stepfather had apologized twice for being "a bad parental role model," there was no change in his behavior. (Mr. Snodgrass believes that his stepfather only apologized so that he could get back together with his mother.) Mr. Snodgrass told his stepfather how he felt about being treated the way he was over the years, "He was a mean, neglecting person. All these years, he couldn't be a decent person towards me."

Within minutes, Mr. Snodgrass saw a police car approaching. His stepfather tried to rationalize why Mr. Snodgrass shouldn't do this, but Mr. Snodgrass was beyond rationality. He had disengaged the safety latch. He now had power over his stepfather. He wanted to see him

squirm the way he was made to squirm. His stepfather did not acknowledge his actions or accept responsibility for his behavior. Perhaps he thought that Mr. Snodgrass would not shoot. His stepfather lunged for the rifle, and Mr. Snodgrass shot him. As his stepfather was going down after the first shot, he told Mr. Snodgrass in a threatening tone of voice, "Gary, you've done it now." Mr. Snodgrass stated, "It was kind of surreal as I looked down at his body." He shot him again. He then heard a police officer on the megaphone, "Put down the gun and lay it down."

Mr. Snodgrass explained that at this point, he was in a "totally destructive mode," acting out in anger towards his stepfather and feeling angry at his mother and blaming her for enabling this to happen. He placed the muzzle of the rifle in his mouth and his finger on the trigger. He tried to muster up enough courage to pull the trigger but could not do it. He obeyed police orders. He was handcuffed and put in back of the car.

He felt a "big feeling of relief - a load was taken off me. Intellectually, I didn't understand what I'd just done. I wasn't thinking of the consequences." He was placed in an isolation cell and given a blanket. He closed his eyes and relaxed; his stepfather was out of his life, and he no longer had to contend with him.

Mr. Snodgrass gradually realized what he had actually done. "When I started seeing how badly I had hurt my mother, I felt regret towards her, but I was not sorry for killing John Nailen." Through self introspection and later through therapy, he began to see that there were other alternative ways that he could have taken. Mr. Snodgrass gradually started to feel sorry for his stepfather as he began to understand his conduct. "Even though he was a bully and I hated him, I didn't have a right to do what I did. He didn't deserve that." Mr. Snodgrass wanted therapy to understand himself better and wanted answers as to why he did what he did.

Mr. Snodgrass arrived in Vacaville on 7/19/82 and was there for three weeks for classification. He was transferred to San Quentin on 8/6/82. He attended school 12/28/82 to 1/28/83 and received straight A's in algebra, writing, psychology, and math. He started vocational machine repair, but after three days in the program he was transferred to Folsom on 3/2/83, where he remained unassigned. He then moved to DVI on 9/12/83 where he worked in culinary (9/83 - 9/84) and industries (10/84 - 10/87).

He was next placed in CMF-Main in 10/87 for the Category 'T' program in which he participated for 18 months. He also joined A.A. in 1989 and attended on a weekly basis. He worked in vocational janitorial, and canteen, and then was assigned to vocational cabinet shop where he earned a certificate of completion after 15 months. He arrived at San Quentin on 6/15/90 for the Category 'X' program and has been

SNODGRASS, Gary C-50459 - 9 - SQ CATEGORY X 5/20/91 HT:jl

working as a porter and culinary. He has received laudatory chronos from supervising cooks Cassey and Salazar.

His hobby is woodworking. He makes jewelry boxes, desk clocks, picture frames, kids' toys, etc., which his mother sells for him. During the course of his nine years in the CDC, Mr. Snodgrass has not been a discipline nor a security problem. He has two CDC 115's on record: (1) in 1983 at San Quentin for taking part in a work strike which was later dropped to a CDC 128, and (2) in 1988 at Vacaville for being out of bounds. He has consistently received above average to excellent evaluations for school and work performances.

Mr. Snodgrass's current parole plans are to obtain employment using his woodworking skills, such as cabinet-making, light construction or finish carpentry. Although his mother has offered him a place to live, he is presently choosing to live apart from her, so that he would not revert back to a position of dependency on her. He has received letters of support for a place to live and work from family friends, relatives, and church members, who appear to be responsible, sincere, and in positions where they can provide Mr. Snodgrass with assistance (central file records).

Mr. Snodgrass's future goals are to learn more about woodworking, perhaps to the level of master artisan, to become financially secure, and eventually marry. Plans appear realistic in light of his vocational training, work skills, and genuine pleasure in working with wood.

#### V. PAST PSYCHIATRIC AND MEDICAL HISTORY:

Mr. Snodgrass has a medical history of back problems since adolescence subsequent to a skateboard accident in 1976. He sustained another back injury in an industrial accident at DVI while lifting a sheet of masonite. MRI (Magnetic Resonance Imaging) report of 11/7/90 by Dr. D. Sacco, M.D. reveal (1) a disc extrusion at L5/S1 level with resultant compression of right S1 nerve root and (2) disc degeneration at L4/5 level. Mr. Snodgrass is currently awaiting back surgery.

He reported one other industrial accident in which he was cut by a bard saw and required four stitches. He also has a history of chronic constipation, particularly when under stress.

Mr. Snodgrass has a history of alcohol and drug use beginning as a teenager. He drank beer and occasionally hard liquor, initially on a social basis. He also smoked marijuana with his peers. He averaged one joint per day. "If it was there, I wouldn't turn it down." He experimented with LSD and cocaine after high school. His use of alcohol and pot escalated to abuse. Prior to the instant offense, he drank "a lot" to avoid problems and escape reality. After the crime, when he was out on bail, he was unable to cope and smoked extensive

SNODGRASS, Gary C-50459 -10- SQ CATEGORY X 5/20/91 HI:jl



amounts of marijuana and was "stoned" on a daily basis. He reported that his last substance use was in 1983 at DVI, drinking prison pruno and smoking pot a couple of times. He has participated in A.A. starting in 1989.

He has never taken psychotropic medications nor been hospitalized for psychiatric reasons. His first contact with a psychologist was one week prior to the offense. Dr. Aaron Cooper, who he saw only once, noted that Mr. Snodgrass appeared depressed, anxious, troubled, and enmeshed in his family system. Mr. Snodgrass committed the crime on the day that he was scheduled for a second appointment.

After the instant offense, Mr. Snodgrass was seen in pretrial (while on bail) by psychologist Dr. Dwight Murray from 12/17/81 to 5/82. Dr. Murray described Mr. Snodgrass as a "frail, pretty, Caucasian male, sensitive, inarticulate with flat affect, who related as a child, not fully grasping circumstances and gravity of the situation." He diagnosed Mr. Snodgrass as having a Schizotypal Personality Disorder and Borderline Personality Disorder.

Based on Dr. Murray's report, concern was expressed in the probation officer's report that Mr. Snodgrass would become an easy target for predatory males. With his youthful appearance, physical size, and look of vulnerability, Mr. Snodgrass was indeed a target. He was sexually harrassed, intimidated, and raped at San Quentin.

Official records indicate that Mr. Snodgrass and his mother sought to get psychotherapy for him either through an outside therapist or CDC since early 12/9/83. He was finally moved to CMF-Main in October, 1987 for the Category 'T' program. He participated in group as well as individual therapy for 18 months. He also participated in the five-week long John Bradshaw Seminar and Workshop, which consisted of viewing tapes and group work. He supplemented therapy by reading psychology-oriented books.

Mr. Snodgrass has had three psychological evaluations while in the CDC. Psychological improvement is noted on each successive report. His first evaluation by Dr. B.J. Krepps, Ph.D. on 6/20/85 at DVI gave him the diagnosis of Passive-Aggressive Personality Disorder. Dr. Krepps noted that most of the signs of mental disorder previously manifested (as per Dr. Murray's report) were no longer evident and that Mr. Snodgrass was developing in maturity. Dr. Krepps recommended Category 'T' program for psychotherapy to work through buried and unresolved family conflicts.

The second report by Dr. R. Gattozi, Ph.D. on 8/17/88 at CMF was written after Mr. Snodgrass had been in group and individual therapy for about 10 months. Dr. Gattozi noted the substantial progress that Mr. Snodgrass has made dealing with the psychological problems indirectly related to the offense. His violence potential was

SNODGRASS, Gary C-50459 -11- SQ CATEGORY X 5/20/91 HI:jl

estimated to be very low with a favorable parole prognosis. No diagnosis was given with the notation "No manifest psychopathology at this time."

The third report by Dr. S. Halpern, Ph.D. on 1/25/90 at CMF-Main came to similar conclusions of significant growth based on a comparison of MMPI profiles of 10/87 to that of 1/90. Dr. Halpern noted some mild rebelliousness and resentfulness of authority and probable difficulty in expression of anger. No manifest psychopathology was noted with a below-average substance abuse susceptibility and good prognosis for parole.

Mr. Snodgrass has no history of prior suicide attempts except for the suicidal gesture made after he killed his stepfather. "I hated my life then."

#### VI. MENTAL STATUS:

A. General Appearance and Behavior: Mr. Snodgrass is 5'8", somewhat slight in build, neatly groomed, soft-spoken, and serious in demeanor. He initially appeared quite tense and uncomfortable, and although he seemed more at ease with each successive interview, his tenseness was apparent throughout. He was alert and cooperative. His speech was clear, affect appropriate to thought content, and mood calm. He appeared to have good control of his impulses.

B. Sensorium: Mr. Snodgrass is oriented to person, place, and time and in good contact with reality. His attention and concentration were well within normal limits. His memory was intact, his reasoning and judgment good. His fund of knowledge is estimated to be in the high average range.

C. Content of Thought: Mr. Snodgrass is coherent and logical. There was little evidence of conflict on the surface, but some underlying anxiety and emotional vulnerability could be inferred from his general demeanor. There was no apparent evidence of psychotic symptoms such as hallucinations or delusions nor persecutory trends. There were no evidence of obsessions, compulsions, or phobias. There is currently no sense of hopelessness or suicidal ideation. Past history suggests depressive tendencies, stemming from losses which then trigger early separation anxieties.

Mr. Snodgrass tries to live by the Golden Rule. He defined 'right' as "what's best for me without stepping on someone else and not harming yourself or others." He defined 'wrong' as "transgressing society's rules meant for the common good."

D. Object Relations: Mr. Snodgrass has a fairly realistic view of himself. At the time of the offense, he was very insecure with no real sense of self-worth or self-confidence. In the totally alien

environment of prison, he was a "distraught, scared kid" with "no street smarts" to deal with violence. He gradually became aware that he may somehow be acting in a way to provoke others' mistreatment of him. He asked himself, "What am I doing wrong? What could I do to defend myself?" He realized that it was partly a personality problem, and he was "half of the equation." It wasn't until he began his personal work that he learned about self-respect and respect for others. Beneath the surface, one can infer some lingering insecurities about himself.

The forced physical separation from his mother, due to his incarceration has allowed him the opportunity to become more his own person and to feel less dependent upon her. However, his dependency needs may continue to be somewhat problematic. He appears to be able to tolerate ambivalence towards others.

E. Defenses: Denial, repression, and suppression predominated in childhood. These were followed by devaluation, displacement, turning against self, and passive-aggression. At the time of the instant offense, regression and acting-out prevailed. In recent years, intellectualization and rationalization are seen with some somatization. With developing maturity, sublimation is increasingly seen.

F. Insight: Through his reading, self-introspection, psychotherapy, and self-help program, e.g., Bradshaw seminar, Mr. Snodgrass has gained a high degree of insight about himself and his past behaviors. He has a very good ability to understand his own feelings, wishes, thoughts and behavior as they developed.

G. Judgment: This has been very poor in the past, but has improved substantially over the course of his incarceration.

H. Reliability: Mr. Snodgrass's version of events corresponded closely to the official records with a few exceptions. He omitted mentioning that a few weeks prior to the offense, he began to fantasize about ways to kill his stepfather and constructed a weapon from a baseball bat with spikes inserted within (which he did not use). He elaborated on his suicidal gesture at the time of the offense, i.e., that he placed the muzzle of the rifle into his mouth before putting it down.

## VII. PSYCHODYNAMIC FORMULATION:

Mr. Snodgrass, at the time of the offense, is best understood by a consideration of his emotional isolation, unmet dependency needs, and inability to communicate emotions.

A markedly impoverished emotional environment can result from such circumstances as that faced by Mr. Snodgrass, i.e., born the second



unplanned child to a mother preoccupied with a terminally ill husband, forced to raise three young children on her own, and who herself grew up in an emotionally impoverished environment. Given these circumstances, she was unable to adequately meet her son's emotional needs to feel wanted and lovingly nurtured.

Mr. Snodgrass grew up shy, timid, and withdrawn, feeling rejected and inadequate, unable to articulate what he was feeling. The early loss of his father, followed by a series of losses of paternal substitutes within a period of a year and a half had a major impact on Mr. Snodgrass's life.

With these significant losses, his mother became all important, the only consistent figure taking care of him - physically, if not emotionally. Since Mr. Snodgrass's inner needs were inadequately met his unconscious attachment to her became even more clinging. Separation anxiety heightened and his survival threatened at the thought of sharing her with anyone else.

He was acutely depressed by his mother's marriage to John Nailen. His relationship with the Nailen family was disastrous. He felt rejected, belittled, and humiliated by his stepfather's verbal abuse. He was terrorized by his stepbrother's sadistic acts and intimidation and traumatized by his sexual abuse. For the quiet, sensitive boy, perceived by the Nailen's as a mama's boy, this ordeal was worsened by the failure of his mother to intercede on his behalf. He felt powerless and defenseless and withdrew further into his shell, not telling anyone about how he was feeling.

There was a short period of respite for Mr. Snodgrass when his mother separated from his stepfather and moved back to Pinole. However, his stepfather was soon back in the picture, attending marital counseling sessions with his mother. Mr. Snodgrass felt considerable hatred and resentment when he found out that his mother remarried John Nailen without telling him or discussing the possibility with him. Mr. Snodgrass inferred that he did not matter to his mother and expressed his anger and hurt towards her, his jealousy towards his stepfather, and his feelings of helplessness by "blowing it and screwing up," drinking alcohol and smoking pot.

He remained emotionally isolated and withdrawn and became increasingly consumed by his rage towards his stepfather who continued to be verbally and emotionally abusive. His mother and stepfather's demands to get out of the familial home and find a place to live and work were not congruent with Mr. Snodgrass's inner needs of wanting to be taken care of. He felt inadequate to make it on his own. He was in a state of tension, confusion, frustration, and depression.

It was the last straw for Mr. Snodgrass to be informed by his stepfather of his and his mother's plans to move to their retirement home

in Rio Vista and to have Mr. Snodgrass move out so that they could rent their present house. Mr. Snodgrass was enraged that he was being kicked out of his home, his only source of security.

In his needy regressed state, he could not think of alternative courses of action. Inner tension mounted. Infantile rage against the abandonment prevailed with consuming hatred focused on his stepfather, inexorably leading to the acting out of his aggressive impulses.

Mr. Snodgrass has made significant gains psychologically in the nine years of his incarceration through his own self-help efforts. The degree of passivity, dependency, and felt inadequacy evident at the time of the offense is substantially diminished.

VIII. DIAGNOSIS:

Axis I Alcohol Abuse, in remission 305.00  
Cannabis Abuse, in remission 305.20  
Axis II No diagnosis V71.09  
Axis III Disc Extrusion, nerve root compression (L5/S1) and disc degeneration (L4/5) - currently awaiting surgery  
Axis IV Psychosocial Stressors:  
At time of offense 4-5 severe to extreme (substance abuse, emotional abuse, unemployment, imminent homelessness)  
Currently 2 mild (incarceration)  
Axis V Global Assessment of Functioning:  
At time of offense 20; Currently 71.

*Helen Ishida, Ph.D.*  
HELEN ISHIDA, Ph.D.  
Staff Psychologist

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# **EXHIBIT I**

**02-18-1992 PSYCHOLOGICAL EVALUATION**

**EXHIBIT I**



PSYCHOLOGICAL REPORT TO THE BOARD OF PRISON TERMS  
MARCH, 1992, CALENDAR  
DEUEL VOCATIONAL INSTITUTION

The following is a psychological report to the Board of Prison Terms on this thirty year old inmate committed to the CDC for second degree murder. This evaluation is based on review of the health record and a single interview. Readers are referred to previous evaluations and a Category X report.

Mr. Snodgrass reported that his institutional adjustment since the last report has been satisfactory. He said that he is currently working in industries, and completed a cabinet making vocational trade at CMF. Mr. Snodgrass further said that he is on the waiting list for Alcoholics Anonymous, and that he has been at DVI only since December 31, 1991. Mr. Snodgrass also said that he is on the waiting list for hobby. He said that he receives frequent visits from family members, including his mother, sisters, and cousins. Mr. Snodgrass said that in his spare time he does some walking on the yard and reads mystery novels and books about wood working.

With respect to the instant offense, Mr. Snodgrass described it in much detail. He described the instant offense, which he killed his step father, as the culmination of many years of anger and frustration. He said that he suffered from a great deal of neglect and mental abuse for the ten years that the step father was in the family. Through his descriptions, Mr. Snodgrass showed a great deal of insight into both the instant offense and his own psychological dynamics. He appears to be a person who has worked quite hard to gain an understanding of himself and his offense. He showed a great deal of ability to empathize, and much remorse as he described the events that took place on the day of the instant offense.

Mental Status Evaluation was unremarkable for symptoms of mental illness. Mr. Snodgrass showed insight that was well above average for this population. Judgement also appears to be well above average. Intelligence would appear to be some where above the average range. He was oriented toward person, place and time. Affective range was quite good, and affect was appropriate to content. Memory functioning appeared to be within normal limits.

DIAGNOSTIC IMPRESSION: V71.09 No psychiatric disorder

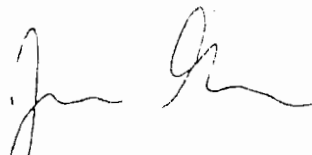
Snodgrass, Gary C-50459 DVI jns February 18, 1992

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CONCLUSION/RECOMMENDATION: Psychopathology at the time of the instant offense appears to have been indirectly related to the offense. Mr. Snodgrass appears to have psychologically improved greatly since incarceration. There do not appear to be any psychological/psychiatric contraindications to parole.

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Jonathan Gonick, Ph.D.  
Staff Psychologist

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# **EXHIBIT J**

**02-23-1993 PSYCHOLOGICAL EVALUATION**

**EXHIBIT J**



PSYCHOLOGICAL REPORT TO THE BOARD OF PRISON TERMS  
MARCH 1993, CALENDAR  
DEUEL VOCATIONAL INSTITUTION

This is the fourth Board of Prison Terms report on this 31 year old Caucasian male inmate who entered CDC 7/19/82 for murder in the second degree, sentenced 15 years to life. Victim was the subject's 60 year old stepfather. Weapon was a rifle. This report is based upon a review of the subject's central file, medical records, plus a 2 hour clinical assessment interview.

**MENTAL STATUS EXAMINATION:** The subject is oriented in terms of time, person, place and exhibits no psychotic symptomatology. Subject is introversive; seems predelicted towards focussing on minutiae at the expense of securing an overview of the situation at hand. The subject is very serious, somewhat inappropriately assertive and has a penchant to focus on differences rather than commonalties. He seems somewhat unconcerned about establishing rapport for this interview. He ascribed his presentation of self to a strong feeling of nervousness and defensiveness. The subject's adjustment could be enhanced by exercising more resiliency and the importance of the interpersonal factor in human relations. He tends to intellectualize and psychologize which could obstruct authentic insight. He also seems quite self-centered and could benefit from becoming more other-centered. His adjustment could be enhanced by developing more than just a totally serious attitude toward everyday life.

There is mention in previous psychological reports on the subject that he directed his anger toward the appropriate Object, namely, the stepfather. This seems only part of the psychological discovery if the subject is to secure honesty in insight from the instant offense experience. Although it is true that much of the subject's cathexis was to the stepfather as the punishing-one, the mother failed the subject in a traumatic manner to provide protection for the subject. Additionally, the subject must repossess the psychological projections which he placed on the stepfather, sort these out, and acknowledge his own responsibility for this dysfunctional relationship. It certainly was not a one way street.

**INMATE'S DEVELOPMENT AND ADJUSTMENT:** The subject has completed at least 18 months of the Category X Program, California Medical Facility, Vacaville, CA. He also completed the Category X Program at San Quentin, June 1990. The reports from these programs are all extremely positive toward the subject. These programs represent the foundation from which the subject can further awareness about himself and his relations with other people particularly in the area of conflict resolution.

The subject has been in the Alcoholics Anonymous since 1990. He perceives himself as a recovering alcoholic. He is active in wood working and completed the Vocational Cabinet-Making course, 1990, CMF. He has been a Vocational Draftsperson at DVI since 12/31/92. He sees this drafting experience as complementing cabinet-making.

The subject is active in Hobbies, making picture frames and fulfilling custom orders which involve working in artistry. The subject has many visitors which include his: Mother, girlfriend, sisters, nephew, aunt and uncle, and an old friend of the family. He has lots of support of this kind.

SNODGRASS, GARY R. C-50459 DVI cle: 2/23/93

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DIAGNOSTIC IMPRESSIONS: As per DSM-III-R the following diagnosis seems appropriate for the subject: AXIS I V61.80 Family Circumstances at the time of the instant offense; 303.90 Alcohol Dependence, by history. AXIS II 301.84 Passive Aggressive Personality with dependent features. AXIS III Surgery, 6/10/91. AXIS IV Moderate Psychosocial Stress. AXIS V Moderate Symptoms in adjustment (GAF Scale = 60).

CONCLUSIONS: Subject presents an exemplary record of adjustment during incarceration. He has participated in an 18 month Category T Program and has received very positive reports regarding his psychological progress. The subject has also participated in the Category X Program where he received a very positive prognosis regarding his adjustment in the community. He has an unusually rich family/friend resource to tap when he returns to the community.

Violence potential in the community is observed as average for the general population. Psychopathology is indirectly related to the instant offense.

RECOMMENDATIONS: Continue with positive programming. Any parole to the community should include abstinence from alcohol and/or drugs.

A handwritten signature in cursive script, reading "Richard J. Obrochta Ph.D.", written in dark ink.

RICHARD J. OBROCHTA, Ph.D.  
Staff Psychologist

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# **EXHIBIT K**

**03-08-1994 PSYCHOLOGICAL EVALUATION**

**EXHIBIT K**

PSYCHOLOGICAL REPORT TO THE BOARD OF PRISON TERMS  
MARCH, 1994, CALENDAR  
DEUEL VOCATIONAL INSTITUTION

This is the fifth report to the Board on this 32 year old lifer in CDC since 1983 for murder second. It is based upon a review of the central file, previous psychological reports including the Cat X evaluation done in 1991, and interviews on 2-18-94 and 3-2-94.

Past evaluations have been generally favorable. The 1991 Cat X Program saw him as having made "Considerable progress towards self-understanding and personal growth." His psychological test results back then were "uniformly encouraging" showing superior intelligence, few antisocial leanings, and an excellent degree of psychological integration. The Cat X noted that prior to the crime there had been a history of alcohol and drug abuse, and also an over-dependency on his mother. There have been differences of opinion as to whether or not this man has a personality disorder or "No mental disorder". Dr. Gonick, in the 1992 report indicated "No psychiatric disorder". On the other hand, Dr. Obrochta, in the 1993 report diagnosed him as being a passive aggressive personality with dependent features.

The present examiner agrees with past evaluations finding no underlying symptoms of mental illness. This man interviews in a clear and coherent manner, and generally within normal range. Emotionally there is considerable underlying despair and moderate depression, in general related to his frustration over the period of time he is doing in prison, and with an unclear date as to when he will be able to return to the community. Similar to many lifers he tends to fume over the poor prospects of lifers getting a date. On the positive side of this equation the inmate was able to openly verbalize his frustration with this situation, thereby allowing himself some ventilation of his emotions.

This man verbalizes remorse for the committing offense and states quite frankly that he didn't have the right to take a life.

**PRISON PROGRESS:** His behavior in prison has been above average with virtually no disciplinary 115's whatsoever. He has participated in the Cat T Program. He continues in Alcoholics Anonymous. Recently in 1993 he attended Dr. Ferrant's Lifer's Group. He reports that in December, 1993 he participated as a volunteer in the Arts in Corrections Program, doing a benefit for a children's shelter. He has worked in Vocational Drafting since 1991 and believes that is it helpful because it augments his cabinet making, an activity that he states he enjoys a great deal. He likes woodworking.

SNODGRASS, GARY

C-50459

DVI

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March 8, 1994

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Overall then this inmate has been using his time in prison in a constructive and positive manner. The primary source of negative feelings for this man appears to be the question of when lifers will get a date. Regarding this type of ambiguous stress he seems to react with feelings of being victimized for example stating that he felt he was being victimized by "Current politics". Although this may or may not be true of the factual situation, it would seem to this examiner that Mr. Snodgrass ought to try to find ways to nevertheless find a deeper inner-calmness. This would help build confidence that he can react to stress in constructive ways rather than anger or bitterness.

**DIAGNOSTIC IMPRESSIONS:** 1) Mixed Personality Disorder with Passive Aggressive, borderline, and dependency features, by history, showing improvement. 2) Chronic Low-Grade Depression associated with situational resentment. 3) Alcohol and Polysubstance Abuse, by history, in institutional remission.

Violence potential when released to the free community is estimated to have decreased and to be below average compared to other inmates. There is no history of violence except the committing offense. Subject has shown positive initiative in participating in help and self-help types of programs.

**RECOMMENDATIONS:** Continue present programming. In the course of the interview this inmate and I had a discussion regarding his religious or spiritual ideas. The inmate admits a skepticism about religion in general. Snodgrass nevertheless was encouraged to explore further the spiritual aspects of himself. This recommendation, however, should not be considered mandatory as this is a highly personal, individualized and voluntary type of search. There are no other recommendations.

*R. Kotila, Ph.D.*

ROGER KOTILA, Ph.D.  
Staff Psychologist

SNODGRASS, GARY

C-50459

DVI

cle

March 8, 1994

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# **EXHIBIT L**

**01-11-1995 PSYCHOLOGICAL EVALUATION**

**EXHIBIT L**

PSYCHOLOGICAL REPORT TO THE BOARD OF PRISON TERMS  
MARCH 1995, LIFER CALENDAR  
DEUEL VOCATIONAL INSTITUTION

This is the sixth report to the Board of Prison Terms on Gary Snodgrass, age 33, a first offender who is serving a 15 years to Life Sentence for Second Degree Murder. The report is based upon a review of the Central File, medical/psychiatric record, observation from eighteen individual psychotherapy sessions and a clinical assessment interview.

There have been no significant changes in Subject's institutional programming since the last evaluation, by Dr. Obrochta, in February 1993. He continues his excellent adjustment to incarceration, with no disciplinaries since August 31, 1989. Vocationally, Mr. Snodgrass has been giving much thought to parole employment and how he might intensify his efforts to obtain job offers. He has excellent and marketable cabinetry skills. Beyond this, he hopes eventually to advance to the artisan level and have a wood craft shop of his own.

As noted in previous reports, Mr. Snodgrass has made considerable psychological progress during the years of his incarceration. He seems to have taken advantage of every therapeutic opportunity available to him and has been described as highly motivated. Most recently, Mr. Snodgrass said he has been greatly concerned about the issue of remorse. At his 1993 Board Hearing he said he had difficulty exhibiting genuine remorse. He began to carefully consider Dr. Obrochta's 1993 observation: "The Subject must repossess the psychological projections which he placed on the step-father, sort these out, and acknowledge his own responsibility for this dysfunctional relationship." As a result, Subject sought additional psychotherapy.

In this therapy, the process of "sorting out" was an understandably painful one. The progress of the therapy bogged down in apparent unconscious resistance from time to time. Mr. Snodgrass persevered. He began to realize and admit that for many years both prior to and following the murder he had been blaming his father for the dysfunctional relationship between them. He had not accepted any responsibility for his part in the situation. Eventually in therapy he was able to be completely honest with himself about the responsibility and, further, to acknowledge that he "had no right to play God."

At about the same time, Subject was deeply impressed by a comment his sister made during a visit that he had never apologized to the family. He now realizes such an apology is highly appropriate and overdue. He reports also that he is beginning to generate an overall and more positive attitude as a result.

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**DIAGNOSTIC IMPRESSION:**

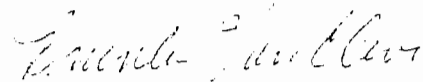
AXIS I	303.90	Alcohol Dependence, by history.
	V61.80	Family circumstances at time of instant offense.
AXIS II		Narcissistic, Passive-Aggressive, and Depressive Traits, greatly improved.

During observation in the institution, Subject has improved psychiatrically greatly. In a less controlled setting, such as return to the community, he is considered likely to maintain this improvement.

Violence potential at the time of the crime is estimated to have been above average due to alcohol use and is now considered average.

**CONCLUSION:** Mr. Snodgrass is an intelligent young man who has made good use of therapy opportunities and subsequently has made excellent personal growth progress. It is notable that, following his break-through regarding responsibility and remorse, his sights now are expanding to include the broad field of the humanities, especially philosophy, by which he hopes to still further understand himself and his relationship to others.

**RECOMMENDATION:** Parole decision should be made on correctional rather than psychiatric factors.



**BRUNLA VANCLEVE, Ph.D.**  
Staff Psychologist



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# **EXHIBIT M**

**06-30-1997 PSYCHOLOGICAL EVALUATION**

**EXHIBIT M**

**PSYCHOLOGICAL REPORT TO THE BOARD OF PRISON TERMS  
AUGUST 1997, LIFER CALENDAR  
DEUEL VOCATIONAL INSTITUTION**

The following information is the seventh report to the Board of Prison Terms for Mr. Gary Snodgrass. He is a 34-year-old, Caucasian male who is currently serving a 15-year to Life sentence for second degree murder. The victim was Subject's 60-year-old stepfather. The weapon was a rifle. Subject entered the CDC system on 07/19/82.

This report is based upon a review of Subject's central file, medical records and a clinical assessment interview.

**BACKGROUND INFORMATION:** Subject's background information has been described in detail in previous psychological and counselor's reports. Subject describes significant losses as a child including his father's death when he was age 5, his grandfather's death, and other significant losses such as Uncle Ben (a family friend), and Calvin, his mother's first male relationship after his father's death. When Subject was 8, his mother married his stepfather, John Nailen, who was 50 years old while his mother was 34 years old. He says that his stepfather was an insensitive, domineering man who was not interested in him, and who never talked to Mr. Snodgrass nor did anything with him except for two occasions. He feels that he was treated by his stepfather as an object. He felt emotionally neglected and hurt. Additionally, he was sexually abused by his stepbrother. Before the killing Subject was full of rage towards his stepfather, very angry because he thought that his stepfather was intruding and invading on his thoughts. He went to see a psychologist in response to his mother's request about one week prior to the shooting.

**MENTAL STATUS EXAMINATION:** Subject presented as alert and oriented. His grooming and hygiene were good. Eye contact was direct. Rate of speech and articulation were normal. Attention span and concentration were normal. Thought processes were clear and coherent. There was no evidence of psychotic processes such as hallucinations or delusions. His mood was within the normal range. Judgment and insight were fair. He had no suicidal or homicidal ideations.

**INMATE PROGRESS AND DEVELOPMENT:** Since the last psychological report, Subject says that he is still enrolled in Aircraft mechanics. He works five days a week. He also attends AA meetings. He participated in the Road to Freedom program and Hobby program. He has not incurred any disciplinary CDC 115s.

**DIAGNOSTIC IMPRESSIONS:** As per DSM IV, the following diagnostic impressions seem appropriate for this Inmate:

<p>AXIS I.      303.90      Alcohol dependence by history, in full institutional remission.               V61.80      Family circumstances at the time of instant offense.</p>
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AXIS II. Narcissistic, passive-aggressive and depressive traits greatly improved.

AXIS III. No medical problems reported.

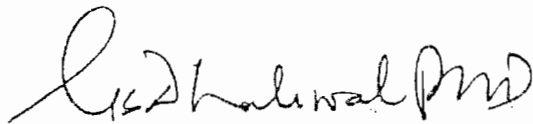
AXIS IV. Incarceration is a major stressor.

AXIS V. Global assessment of functioning on a scale of 0-100 = 85, he is high functioning.

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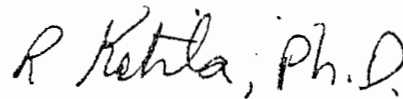
**CONCLUSION:** Mr. Snodgrass has changed significantly during his incarceration since 1982. He has greatly improved psychiatrically. He says he has benefited more from the Road to Freedom program than from AA meetings. He sincerely expresses how he has learned not to be angry. He now accepts personal responsibility with appropriate remorse. He says he did not make enough attempts to break the wall between him and his stepfather, "I could have tried." He has good occupational skills. In a less controlled setting such as return to the community, he is considered likely to maintain the gains.

**RECOMMENDATION:** Parole decisions should be made on correctional rather than psychiatric factors.



GURMEL S. DHALIWAL, Ph.D.  
Staff Psychologist

Noted:



ROGER KOTILA, Ph.D.  
Staff Psychologist

# **EXHIBIT N**

**05-19-1998 PSYCHOLOGICAL EVALUATION**

# **EXHIBIT N**



PSYCHOLOGICAL REPORT TO THE BOARD OF PRISON TERMS  
AUGUST, 1998, LIFER CALENDAR  
DEUEL VOCATIONAL INSTITUTION

This is the eighth report on this 36-year-old, Caucasian male who entered CDC on 07/19/82 for Murder Second Degree, sentenced 15 years to Life. Victim was Subject's 60-year-old stepfather. Weapon was a rifle. This report is based upon a review of the Subject's central file, medical record, plus a three hour clinical assessment interview on 05/14/98.

**REVIEW OF BPT EVALUATIONS:** This examiner conducted the Board of Prison Terms evaluation report on the Subject on 02/23/93. At that time, this Examiner observed the Subject as somewhat inappropriately assertive and with a penchant to focus on differences rather than commonalties. The Subject also seemed unconcerned about establishing rapport for this important interview. At that time, also, Subject tended to intellectualize and psychologize rather than strive to secure authentic insight. In 1993, he was observed by this Examiner as being self-centered and an individual who could benefit from becoming more other-centered.

In the 1995 Board of Prison Terms evaluation report conducted by Brunla VanCleve, Ph.D., DVI Staff Psychologist, she made a positive statement about the Subject, namely, she observed him as carefully considering one of this Examiner's 1993 significant observations: "The Subject must repossess the psychological projections which he placed on the stepfather, sort these out, and acknowledge his own responsibility for this dysfunctional relationship." As a result, according to Dr. VanCleve, the Subject began psychotherapy.

In a 1997 BPT evaluation conducted by Gurnel S. Dhaliwal, Ph.D., DVI Staff Psychologist, the report was favorable, "Mr. Snodgrass has changed significantly during his incarceration since 1982...he says he has benefited more from the Road to Freedom program than from AA meetings...he now accepts personal responsibility with appropriate remorse...in a less controlled setting such as a return to the community, he is considered likely to maintain the gains." Dr. Dhaliwal concludes that parole decisions should be made on correctional rather than psychiatric factors.

**BACKGROUND INFORMATION:** The Subject's background information and the instant offense have been described in detail in previous BPT evaluation reports. This information will not be included in this current BPT evaluation report, except as might be appropriate.

**MENTAL STATUS EXAMINATION:** Subject is oriented in terms of person, place, time and situation. He exhibits no psychotic symptomatology.

Initial rapport in this current assessment interview was labored but improved as the process unfolded. The Subject camouflages his fears and apprehensions through a stoic presentation of self, which could be misperceived as unfriendly. The Subject is more oriented toward things, so to speak, than toward people. He is not socially facile.

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One could imagine how the Subject, in growing up, would have had difficulty in communicating with his mother and stepfather. As the Subject says, the stepfather "...was large and domineering...I was afraid of him...he had the mentality of a bully...although he never hit me..."

Subject's early experiences also included a fear of the stepfather's son who was 18 at the time when the Subject was 8-years old. This stepbrother molested the Subject and is described by the Subject as, "...a big bully...made threats of violence..."

Subject took these fears to his mother and she did little if anything about it, "...my mother stood by when all this happened...she didn't do a good job of looking after me as a kid..." Subject experienced his mother as one who could not articulate anything of a sensitive nature, e.g., her reason for divorce, marriage, etc., when these were of appropriate concern and could have been clarified, were there more honest dialogue between the mother and the Subject.

Overall, we observe the Subject, in these developmental years, as having legitimate fears of the stepfather and the stepbrother, with no one to go to for safety. Subject did not experience the mother providing the environment for meeting his security needs. Subject had the onerous label of "mama's boy" but did not feel he received any of its "benefits." Subject resorted to nonverbal solutions for his problems, namely, alcohol, drugs, and things rather than people. The shooting of the stepfather represents the last link in this series of dysfunctional familial interactions.

**DIAGNOSTIC IMPRESSIONS:** As per DSM-IV, the following diagnostic impressions seem appropriate for the Subject:

AXIS I.	V62.81	Relational Problem, NOS, dysfunctional family circumstances at the time of the instant offense.
	303.90	Alcohol and Drug Dependence, by history, in institutional remission.
AXIS II.	301.84	Passive-Aggressive Personality with Dependent Features.
AXIS III.		No significant current or chronic medical problems by self-report or medical record.
AXIS IV.		Incarceration is a major stressor.
AXIS V.	GAF=85	Global Assessment of Functioning (GAF) on a scale of 0-100: absent or minimal symptoms; good functioning in all areas; interested and involved in a wide range of activities.

**PRISON ADJUSTMENT:** Subject has not had any major disciplinary actions since the last Board of Prison Terms report.

Subject remains active in Alcoholics Anonymous but is reluctant to open up to others. This could be considered judicious, or defensive when one is incarcerated, "...I don't have much to share...more than willing to read and speak...I endorse the program."

Subject remains active, for over two years, in the Road to Freedom program. This is a self-help program based upon the practices espoused by Abraham Low, M.D., -psychiatrist, -who rehabilitated mentally ill patients back into the community. Dr. Low's ideas have been modified and applied to a myriad of situations, such as, the Road to Freedom.

Subject has been in the Aircraft and Engines program at DVI. He is preparing for his Federal Aviation Administration (FAA) license in Power Plant and Air Frame. These examinations are scheduled for July and September of this year.

Subject has participated in psychotherapy throughout the years of his incarceration; has completed the Category-X program; Anger Management; and other self-help programs within the State prison system.

**CONCLUSION:** Violence potential in the community is observed as average for the general population. Psychopathology is indirectly related to the instant offense.

Subject has made excellent use of the self-help opportunities available within the State prison system. He presents an exemplary record of adjustment during incarceration. Friends and family represent resources for him to utilize when he returns to the community.

**RECOMMENDATIONS:** Continue with positive program as long as the Subject is incarcerated. A parole to the community must include abstinence from alcohol and/or drugs, and arrangements to monitor this behavior. It also would be beneficial to Subject to utilize the Mental Health Services of the Parole Outpatient Clinic, County Mental Health and similar resources. His Federal Aviation Administration license in Power Plant and Air Frame elevates the probability of him securing meaningful, satisfying, and well-paid employment in the community.

Parole decisions should be made on correctional rather than psychiatric factors.

*Richard J. Obrochta Ph.D.*

Richard J. Obrochta, Ph.D.  
Senior Psychologist (CF) Supervisor

*D. SACRED*  
*for*

Noted:  
J. Eric Nelson, Ph.D.  
Staff Psychologist

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# **EXHIBIT O**

**07-13-1999 PSYCHOLOGICAL EVALUATION**

**EXHIBIT O**



Mental Health Evaluation  
(Revised 1998)  
Lifer Calendar  
Deuel Vocational Institution

- I. IDENTIFYING INFORMATION:** This is the ninth report on this 37 year-old single Caucasian male. He is 5'9" tall and weights about 165 pounds. Subject is serving 15 years to life for second degree murder. Victim was his 60 year-old step-father. The weapon was a rifle and the report is based upon a review of Subject's central file, unit health record and clinical assessment interview.
- II. DEVELOPMENTAL HISTORY:** Subject was born on 8/4/61 in Oakland, California. There were no prenatal or perinatal concerns and no birth defects. His developmental milestones were within normal limits. He does not remember any unusual habits. Subject was fond of riding bikes. His father was diagnosed with Hodgkin's Disease three years before Subject was born. Subject was 5 years-old when his father died, "My mother says that I was kind of sad but I still had a life". Subject was sexually abused at age 7 for about 1 1/2 years by his step-brother who was 17 years-old.
- III. EDUCATION:** Subject graduated from high school in 1979. His Grade Point Level, as measured in prison, is 12.0 years.
- IV. FAMILY HISTORY:** Subject's mother remarried in 1969 when he was 7 years-old. Mother did secretarial work. Subject's step-father worked part time for PG&E until his retirement and was murdered soon after by the Subject. The step-father was 60 years-old at the time of his death. Subject has two older sisters, 40 and 42 years-old. Both are married and working. They have no history of any problems with the law. His middle sister writes to him two times a year. Mother is 64 years-old and retired. She lives in the East Bay area and visits the Subject about once a year.
- V. PSYCHOSEXUAL DEVELOPMENT AND SEXUAL ORIENTATION:** Subject reports average psychosexual development with heterosexual orientation. He has no history of high risk behavior or sexual aggression.
- VI. MARITAL HISTORY:** Subject was never married and has no children.
- VII. MILITARY HISTORY:** None.
- VIII. EMPLOYMENT HISTORY:** Subject worked a few different jobs at gas stations and fast food restaurants. He says that he had completed a two year auto mechanic shop program in high school.
- IX. SUBSTANCE ABUSE HISTORY:**
- A. Alcohol and Illegal drug usage:** Subject began smoking pot and drinking alcohol at age 14. "It continued until my arrest, most of the days varied according to what I could afford, but no more than 6-pack on occasion".

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B. Treatment Programs or Placements: None.

C. Current Problems/Needs: None.

- X. **PSYCHIATRIC AND MEDICAL HISTORY:** Subject never has taken any psychiatric medications nor has he been hospitalized for any psychiatric problems. He has no history of suicidal ideation or attempts. There is no history of serious head injury, seizure or other neurological conditions. There are no disabilities or significant impairments or illnesses.

- XI. **PLANS IF GRANTED RELEASE:** The Subject plans to live with his mother in Pinole, California and seek employment as an aircraft mechanic or "I can also be employed as a cabinet maker, possibly a welder". There appear to be no problems in complying with conditions of parole. He has no enemies. His plans appear viable. Prognosis for community living is considered fair.

### CLINICAL ASSESSMENT

- XII. **CURRENT MENTAL STATUS / TREATMENT NEEDS:** Subject presented as a fairly well groomed individual. He was alert and oriented. He was cooperative with good eye contact. His speech was normal. There was no evidence of any significant symptoms of psychotic thought disorder, hallucinations, or paranoid ideation. There were no significant symptoms of any major mood disturbance. Judgment and insight were fair. He is of average intelligence. His memory is intact. Concentration is fair. There is no suicidal/homicidal ideation.

As per DSM-IV the following diagnostic impressions seem appropriate for this Subject.

AXIS I	V61.80	Family circumstances at the time of offense.
	303.90	Alcohol abuse by history in full remission.
AXIS II	V71.09	No diagnosis.
AXIS III		No medical problems.
AXIS IV		Incarceration is a major stressor.
AXIS V		Global Assessment Functioning on a scale 0-100=80. He is high functioning.

**CURRENT LEVEL OF CARE:** General population.

**TREATMENT ACTIVITIES:** None at this time.

**MEDICATIONS:** None at this time.

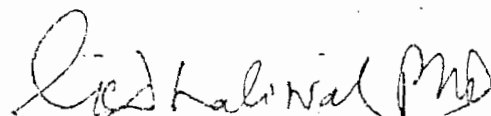
**PROGNOSIS:** Fair.

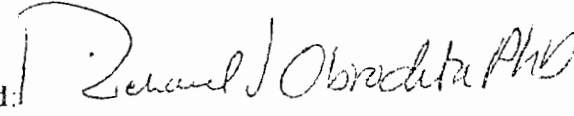
The Subject then placed another shell in the chamber with the intention of killing himself, at this point the police gave orders for him to come out with his hands up. Subject then unloaded the gun and surrendered.

**XIV. ASSESSMENT OF DANGEROUSNESS:** Subject received a CDC-115 Disciplinary for being out of bounds in 1989 and none since then. He has programmed well. If released to the community his level of dangerousness is considered average for the general population.

**XV. CLINICAL OBSERVATIONS/COMMENTS/RECOMMENDATIONS:** This 37 year-old Subject was emotionally and psychologically abused by his step-father, victim of the crime. This eternally humiliating situation turned into rage when Subject was asked to move out. At this point Subject decided to kill his step-father. It was an act of righteousness in his mind and perhaps he was trying to get his "perceived honor" back by implementing this decision and in this process became blind to the future implications of that moment. The Subject now realizes that he "had no right to play God". He now accepts personal responsibility with appropriate remorse.

He has made considerable gains in prison and is likely to maintain these gains in a less controlled setting such as return to the community.

  
G. S. DHALI WAL, Ph.D.  
Senior Psychologist, Supervisor (CF)  
Reception Center  
ENODGRASS, GARY R. C-50459

  
Noted:  
RICHARD J. OBROCHTA, Ph.D.  
Senior Psychologist, Supervisor (CF)  
Mainline  
7/13/99 (DVT) cl Page 3

DEUEL VOCATIONAL INSTITUTION  
Life-Term Inmate Evaluation for the Board of Prison Terms  
(Revised 1998)  
Mental Health Evaluation

ADDENDUM TO REPORT OF July 13, 1999

Subject requested corrections regarding his BPT psychological assessment dated 07/13/99. Subject was oriented in terms of person, place, time and situation. He exhibited no suicidal symptoms.

- IV. **FAMILY HISTORY (Corrections for 07/13/99 BPT Report):** The Subject's stepfather was a full time employee of PG&E, and not a part time employee as the report indicates.


There is a sister, Diana, 40, who writes and visits the Subject. This sister is employed.


There is a sister, Kathy, 42, who writes to the Subject but has not been visiting him in prison. She is married and employed.

The Subject's mother visits him in prison throughout the year.

The Subject indicates there have been no significant changes in his record or activities at DVI since the last psychological evaluation report to the Board of Prison Terms.

Noted by:

  
RICHARD J. OBROCHTA, Ph.D.  
Senior Psychologist Supervisor (CF)

  
J.E. NELSON, Ph.D.  
Staff Psychologist

RJO/km

Original: C-File

cc: Medical File

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LIFER VOCATIONAL INSTITUTION  
 Life-Term Inmate Evaluation for the Board of Prison Terms  
 Mental Health Evaluation  
 (Revised 1998)  
 November 2001, Lifer Calendar

Addendum to Board of Prison Terms Report  
Dated July 13, 1999

**I. IDENTIFYING INFORMATION:**

Name:	Snodgrass, Gary
CDC:	C-50459
Age:	40 years
DOB:	08/04/61
Marital status:	Single- never been married.
Ethnicity:	Caucasian
Gender:	Male
Religious preference:	Christian
Nicknames or alias:	None
Tattoos:	None noted.

Subject is aware that none of the information transpired during this psychological evaluation is considered confidential and will be presented before the Board of Prison Terms.

Subject is serving 15-years-to-Life for 2<sup>nd</sup> Degree Murder, which occurred in November 1981. He entered into CDC July 19, 1982.

Subject is oriented in terms of person, place, situation and time. He exhibits no suicidal or homicidal ideation. (Please refer to the complete psychological assessment dated 07/13/99 for further details.)

Subject has maintained his exemplary disciplinary record. He currently is employed in Vocational Welding where his performance can be described as exceptional. He also has completed, in previous years, Mill and Cabinetry, and earned his FAA license in Powerplant (reciprocal and turbine engines) and structure. He completed a vocational course in drafting. Subject has been active in Alcoholics Anonymous since 1990. He is serving in the Office of Treasurer for the past two years. He also keeps track of inmate's sobriety dates and makes the sobriety-chip awards. He was honored with a certificate during the last AA banquet, July 4, 2001, for his fifteen years of sobriety.

Noted by:

*Richard J. Obrochta PhD*

**RICHARD J. OBROCHTA, Ph.D.**  
 Senior Psychologist Supervisor (CF)

*Patricia Miller PhD*

**PATRICIA MILLER, Ph.D.**  
 Staff Psychologist

RJO/tav  
 Original: C-File  
 cc: Medical File

SNODGRASS, Gary

CDC# C50459

DVI

August 3, 2001

Page 1

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**EXHIBIT P**

**EXHIBIT P**

**PSYCHOLOGICAL EVALUATION FOR THE BOARD OF PRISON TERMS  
(REVISED AUGUST 1998)  
PAROLE CONSIDERATION HEARING  
NOVEMBER 2003 LIFER CALENDAR**

**CORRECTIONAL TRAINING FACILITY, SOLEDAD  
OCTOBER 20, 2003**

This is an updated psychological evaluation for the Board of Prison Terms on inmate Gary Snodgrass, CDC# C-50459. This report is based upon a personal clinical interview of the inmate, conducted on 10/20/03, as well as a review of his Central file and unit health record. This clinical interview and a review of all pertinent documents were for the express purpose of preparing this report.

**PSYCHOSOCIAL ASSESSMENT**

**I. IDENTIFYING INFORMATION:**

Inmate Snodgrass is a 42-year-old, single, Caucasian male whose date of birth is 08/04/61. His stated religious preference is Protestant. No obvious unusual physical characteristics were observed, and he denied ever using any nicknames or aliases.

**II. DEVELOPMENTAL HISTORY:**

Inmate Snodgrass does not have a significant history of birth defects, abnormalities of developmental milestones, or a history of cruelty to animals, arson, or significant childhood medical illnesses. However, he did acknowledge that he was abused at around the age of seven by his older stepbrother, who was 16 years old at the time. He said that he had been sexually abused for about one and a half years, and that it ceased when the inmate moved away.

**III. EDUCATIONAL HISTORY:**

Inmate Snodgrass reported that he attended public school, and is a high school graduate. He said that he has completed some junior college level work. His August 2000 TABE reading grade point level was 12.9. He has no significant history of special education or behavioral problems in school. He currently has no current involvement or interest in educational activities.

**IV. FAMILY HISTORY:**

Inmate Snodgrass indicated that there was no significant history of crime or drug abuse in his family. He indicated that he has maintained a warm and supportive relationship with his mother, who visits about four times a year. He also said he has one sister, who writes about two times a year.

SNODGRASS, GA  
CDC NUMBER: C-50459  
BPT PSYCHOLOGICAL EVALUATION  
PAGE TWO

**V. PSYCHOSEXUAL DEVELOPMENT AND SEXUAL ORIENTATION:**

Inmate Snodgrass is a heterosexual male. He denied any history of sexual aggression or high-risk sexual behavior.

**VI. MARITAL HISTORY:**

Inmate Snodgrass indicated that he has never been married, and that he has no children from any relationship.

**VII. MILITARY HISTORY:**

Records indicate this inmate has no military history.

**VIII. EMPLOYMENT/INCOME HISTORY:**

Inmate Snodgrass reported that his preincarceration work history includes working approximately one year as a clerk in an auto store, and having worked in various gas station cashier positions. He also worked as a landscaper.

He noted that his incarceration work history includes becoming certified in 1990 in mill and cabinet work, and in 1994 becoming certified in vocational drafting. In 1999, he became certified in aircraft maintenance and gained FAA certification in air frame and power plant. In 2000, he was certified for vocational welding. He has obtained average to above average work assessments from his work supervisors. For example, in 1987, he received above average work ratings in cabinet making. In 1988, he received average to exceptional ratings in wood shop.

**IX. SUBSTANCE ABUSE HISTORY:**

Inmate Snodgrass acknowledged that he has a history of recreational use of alcohol, noting further that he has used alcohol from 1974 until 1982, that is, upon his incarceration. He also acknowledged having used marijuana until his incarceration. He reported further that he regularly attended Alcoholics Anonymous and Narcotics Anonymous from 1990 until 2002. This inmate currently does not appear to have a significant drug problem.

**X. PSYCHIATRIC AND MEDICAL HISTORY:**

In 1991, inmate Snodgrass was briefly hospitalized for back surgery with no apparent significant residual symptoms.

Inmate Snodgrass was placed in the CCCMS program in September of 2001 for approximately six months for a brief period of depression. He does not have a history of serious accidents, including head injuries. He has no history of suicidal



SNODGRASS, GARY  
CDC NUMBER: C-50459  
BPT PSYCHOLOGICAL EVALUATION  
PAGE THREE

behavior. He has no history of seizure or other neurological conditions. He has no significant disabilities or impairments. He currently is not taking any significant medications.

**XI. PLANS IF GRANTED RELEASE:**

If granted parole, this inmate plans to live in Contra Costa County with his mother, who has agreed to this arrangement. His financial and vocational plans include working in welding, in aircraft maintenance, or alternatively in cabinet making. The viability of his financial and vocational plans appears to be sound, and he appears to have adequate supportive relationships. His prognosis for community living appears to be good.

**CLINICAL ASSESSMENT**

**XII. CURRENT MENTAL STATUS/TREATMENT NEEDS:**

During the clinical interview, inmate Snodgrass was alert and oriented to person, place and time. He was well dressed and groomed. His speech was articulate and contextually meaningful. His mood and affect were within normal limits, and his behavior was appropriate to the setting. No evidence of a mood or thought disorder was demonstrated. His estimated level of intellectual functioning was within the average range.

**CURRENT DIAGNOSTIC IMPRESSIONS (DSM-IV):**

**AXIS I:** Cannabis Abuse, in sustained full remission in a controlled environment.

**AXIS II:** No Contributory Personality Disorder.

In addition to attending Alcoholics Anonymous and Narcotics Anonymous, inmate Snodgrass has attended a large number of other self-help groups. In 1989, he completed Category T group and individual therapy. In 1993, he completed group therapy with Dr. Ferrat. In 1994, he completed psychotherapy with Dr. Van Clive. In 1995, he completed a Stress and Anger Management group. In 1997, he completed home study in mental health. In 1998, he completed a Personal Devotion Discipline class and further home study in mental health work. In 2001, he completed a Self-Confrontation class.

His insight and judgment in general, and specifically regarding the commitment offense is good, and supports a positive prediction of successful adaptation to community living.

SNODGRASS, GA  
CDC NUMBER: C-50459  
BPT PSYCHOLOGICAL EVALUATION  
PAGE FOUR

### XIII. REVIEW OF LIFE CRIME:

Inmate Snodgrass described the circumstances surrounding his commitment offense, involving Second Degree Murder With A Firearm. He admits full responsibility for the death of the victim, his 60-year-old stepfather.

Inmate Snodgrass described how he killed his stepfather, apparently during a domestic dispute. His recall of historical events suggests a dysfunctional family. He noted that his mother divorced and subsequently remarried the victim. Inmate Snodgrass apparently was subject to significant emotional abuse by his stepfather.

Inmate Snodgrass does appear to understand adequately the causative factors underlying the instant offense. A principle factor appears to lie in the fact that he did not seek outside help, such as counseling or friends, enabling him to deal more effectively emotionally with his domestic problems. Inmate Snodgrass does appear to be genuinely penitent for his crime.

### XIV. ASSESSMENT OF DANGEROUSNESS:

- A. His risk for violent behavior within a controlled setting is considered to be low relative to this level II inmate population. This conclusion is based upon several factors.

The bulk of the evidence weighs heavily in favor of a low risk for future violence. He does not have a juvenile criminal history, and he has no history of gang involvement. He has no adult criminal history, other than that of the instant offense. Moreover, he is a first-termer. His one significant disciplinary (i.e., CDC-115) was obtained in 1989, and only involved a violation of going out of bounds. Importantly, he has never obtained a significant disciplinary for violent behavior during his 21 years completed within CDC. Notably, he was only 21 years of age at the time of the instant offense. He does appear to have matured greatly during his incarceration within CDC. He has attended a large number of self-help groups, including his regular attendance at AA/NA groups for 12 years. He has attended a large number of other self-help groups. He also has an excellent history of good programming within CDC, having been certified in mill and cabinet, vocational drafting, aircraft maintenance, and certification in airframe and power plant, and certification in vocational welding. Inmate Snodgrass has consistently gotten average to exceptional ratings in his work performance by his work supervisor.

Additionally, two psychological test instruments were completed during the clinical interview. Results from the HCR-20 suggest a low prediction of future violence for this individual in a controlled setting relative to level II inmates. Results from the Hare Psychopathy Checklist, Short Version, do not suggest the presence of sociopathy.

SNODGRASS, GA

CDC NUMBER: C-50459

BPT PSYCHOLOGICAL EVALUATION

PAGE FIVE

Finally, the facts unique to this case indicate that the death of the victim was a direct result of a heightened domestic dispute, and such behavior does not appear likely to happen again.

Therefore, in light of these factors, his violence potential within a controlled setting is considered to be low relative to this level II inmate population.

- B. If released to the community, clinically assessed, his violence potential is considered to be no more than that of the average citizen in the community.
- C. There are no significant risk factors which may be precursors to violence for this individual.

**XV. CLINICIAN OBSERVATIONS/COMMENTS/RECOMMENDATIONS:**

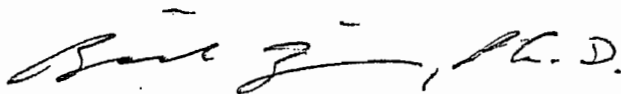
- A. This inmate is competent and responsible for his behavior. He has the capacity to abide by institutional standards, and he has done so during his incarceration.
- B. This inmate does not have a mental disorder which would necessitate treatment, either during his incarceration period or following upon parole.
- C. This inmate does not appear to have a significant drug abuse history, and there are no recommendations in this area.



**JOE REED, Ph.D.**

**Staff Psychologist**

**CORRECTIONAL TRAINING FACILITY, SOLEDAD**



**B. ZIKA, Ph.D.**

**Senior Supervising Psychologist**

**CORRECTIONAL TRAINING FACILITY, SOLEDAD**

JR/gmj

D: 10/30/03

T: 10/31/03

SNODGRASS

C-50459

CTF-CENTRAL

10/20/03

gmj

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# **EXHIBIT Q**

**08-14-1991 LIFE PRISONER EVALUATION**

**EXHIBIT Q**



LIFE PRISONER EVALUATION REPORT  
SUBSEQUENT PAROLE CONSIDERATION HEARING  
1991 CALENDAR

SNODGRASS, GARY

C-50459

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I. COMMITMENT FACTORS:

A. Life Crime:

All relevant documents from previous Hearings have been reviewed and all information remains valid. This writer has no further information to add.

B. Prisoner's Version:

Remains the same as stated in the 1/23/90 Life Prisoner Evaluation.

C. Aggravating and Mitigating Circumstances:

Circumstances remain the same as stated in previous Life Prisoner Evaluations.

II. PRECONVICTION FACTORS:

Information documented for previous hearings has been reviewed and remains valid. This writer has no further information to add.

III. POSTCONVICTION FACTORS:

Documents from previous hearings have been considered and that information remains valid. See attached Postconviction Progress Report for transfer and custody details. Mr. Snodgrass has remained disciplinary free, continued his vocational upgrading, and completed the Category X program in compliance with BPT recommendations of 3/9/90. Although no documentation has been placed in his Central File, Mr. Snodgrass indicates that he participated in A.A. at both CMF and SQ.

Life Prisoner Evaluation Subsequent  
Parole Consideration Hearing  
1991 Calendar  
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IV. FUTURE PLANS:


Upon release, Mr. Snodgrass plans to reside in the Pinole, California area. Specific plans will be developed prior to release.

Members of the Pinole Valley Baptist Church continue to express support in the area of housing and employment. He has employable skills as a mill and cabinet worker, landscape laborer, and salesman.

V. SUMMARY:

- A. Considering Mr. Snodgrass's commitment offense, lack of a prior record and institutional adjustment, this writer believes that he would pose a minimal threat to the public at this time, if released from prison.
- B. Prior to release, Mr. Snodgrass could benefit from remaining disciplinary free and maintaining his excellent work records.
- C. This Board Report is based upon two (2) hours of review of the central file and a personal interview for the purpose of preparing this report.

Prepared by:

  
ROBERT E. BENJAMIN  
Correctional Counselor II  
Psychiatric Staff Specialist

Reviewed by:

  
JOHN CHIAPPUZZO  
Correctional Counselor III  
Classification & Parole Representative

SNODGRASS, Gary C-50459

-2- SQ SUBSEQUENT 1991 CAL. RB:jl

- ☐ DOCUMENTATION HEARING
- ☐ PAROLE CONSIDERATION HEARING
- ☐ PROGRESS HEARING

## INSTRUCTIONS

TO CDC STAFF: DOCUMENT EACH 12-MONTH PERIOD FROM THE DATE THE LIFE TERM STARTS TO PRESENT.

TO BPT STAFF: FOR EACH 12-MONTH INCREMENT APPLY THE GUIDELINES UNDER WHICH THE PAROLE DATE WAS ORIGINALLY ESTABLISHED, I.e., 0-2 MONTHS FOR PBR AND 0-4 MONTHS FOR BPT. SEE BPT §§2290 - 2292, 2410 AND 2439.

POSTCONVICTION CREDIT			REASONS
YEAR	BPT	PBR	
1-23-90 to 7-19-90			Mr. Snodgrass was housed at CMF-Main with Medium-A custody and an assignment to Vocational Mill and Cabinet Shop where he was viewed as an excellent worker. On 3-9-90, he attended his BPT hearing and received a one-year denial, with a recommendation for participation in a Category X program. On 6-14-90 Mr. Snodgrass was transferred to San Quentin as a Category X and Return (CMF) case. He was assigned Medium-A custody with initial placement as a Donner Section block worker. He was subsequently assigned to Food Service. He received average to above-average work reports and remained disciplinary free during this period.
7-20-90 to 7-19-91			Mr. Snodgrass continued Medium-A custody and his Food Service assignment as an above-average worker. He completed the Category X program and remained disciplinary free during this period.
7-20-91 to Present (8-14-91)			Mr. Snodgrass maintained Medium-A custody and his Food Service assignment. He remained disciplinary free during this period.
8/14/91			
CORRECTIONAL COUNSELOR SIGNATURE ROBERT BENJAMIN, CCI			DATE 8-14-91

NAME	CDC NUMBER	INSTITUTION	CALENDAR	HEARING DATE
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SNODGRASS, Gary C-50459

-4-

SQ SUBSEQUENT 1991 CAL. RB:jl

# **EXHIBIT R**

**03-00-1992 LIFE PRISONER EVALUATION**

# **EXHIBIT R**



LIFE PRISONER EVALUATION REPORT  
SUBSEQUENT PAROLE CONSIDERATION HEARING  
MARCH 1992 CALENDAR

I. COMMITMENT FACTORS:

A. Life Crime: All relevant documents from the previous hearing, including the transcript, have been considered and that information appears valid and this writer has no further information to add.

1. Offense Summary:

2. Prisoner's Version: Remains the same as stated in the Initial Parole Consideration Hearing of March 1990.

3. Aggravating and Mitigating Circumstances: Remains the same as stated in the previous hearings.

II. PRECONVICTION FACTORS: Documents from the previous hearings have been considered and that information remains valid

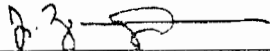
III. POSTCONVICTION FACTORS: Documents from the previous hearings have been considered and the information remains valid. Snodgrass last appeared before the BPT on 3-9-90, for his Initial Parole Consideration Hearing. Parole was denied one year and the panel recommended that Snodgrass remain disciplinary free; 2) Upgrade vocationally and or educationally; 3) participate in self-help and/or therapy programming such as A.A. or N.A.; 4) cooperate with clinicians and staff and/or the psychiatric council in a Category X Program. During the period of time since then the prisoner's behavior has improved, in that he has remained disciplinary free, continued his vocational upgrading, and completed the Category X program in compliance with BPT recommendations of 3-9-90. See attached Postconviction Progress Report for details.

IV. FUTURE PLANS: Remain the same as indicated in the previous Board report.

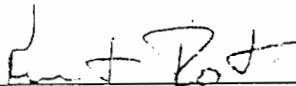
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V. SUMMARY:

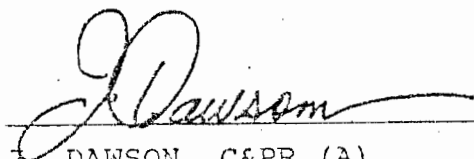
- A. Considering the commitment offense, prior record and prison adjustment, this writer believes the prisoner would probably pose a minimal threat to the public at this time, if released from prison.
- B. Prior to release, the prisoner could benefit from remaining disciplinary free and maintaining his excellent work record.
- C. This board report is based on a thorough review of his central file and an interview with Gary R. Snodgrass.



J. ZUNIGA, CC I



K. ROST, CC II



J. DAWSON, C&PR (A)

- ☐ DOCUMENTATION HEARING
- ☐ PAROLE CONSIDERATION HEARING
- ☐ PROGRESS HEARING

## INSTRUCTIONS

TO CDC STAFF: DOCUMENT EACH 12-MONTH PERIOD FROM THE DATE THE LIFE TERM STARTS TO PRESENT.

TO BPT STAFF: FOR EACH 12-MONTH INCREMENT APPLY THE GUIDELINES UNDER WHICH THE PAROLE DATE WAS ORIGINALLY ESTABLISHED. I.e., 0-2 MONTHS FOR PBR AND 0-4 MONTHS FOR BPT. SEE BPT §§2290 - 2292, 2410 AND 2439.


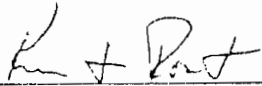
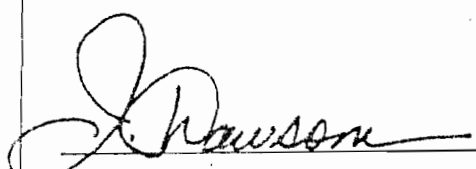
POSTCONVICTION CREDIT			REASONS
YEAR	BPT	PBR	
08-14-91 TO 02-07-92			Inmate Snodgrass remains at San Quentin under Medium A Custody, housed in the GP, CS 0, and continues his assignment to Food Services (3rd Watch Culinary Sgt's Clerk). On 10-16-91, he receives laudatory chrono for his commitment, honesty and insight towards Alcoholics Anonymous. Noted is a CDC 128-B, dated 10-16-91, regarding his excellent job performance while assigned to Food Services. On 10-17-91, Snodgrass is transferred to CMF as a Category X return. Noted is CDC 128-B dated 11-6-91, requesting that Snodgrass be assigned to Vocational Mill and Cabinet Program. Mr. A. Altamirano, Vocational Instructor reflects that Snodgrass was programming adequately, and was an asset to the program. Snodgrass is seen by CMF-M Unit II Committee for Initial Classification. His custody is maintained at Medium A, CS 0 and is assigned to Vocational Mill and Cabinet. At this time, he is also requesting a transfer to DVI-III/CMF-S III for general population placement. Snodgrass is endorsed for DVI III on 12-13-91 and was transferred on 12-30-91. He is seen by DVI Initial Classification on 1-8-92 and assigned to the Industries waiting list. His custody remains at Medium A with a CS of 0. On 1-13-92, Snodgrass is assigned to Industries Crew #5. He is then reassigned to Industries-Upholstery on 2-6-92. Snodgrass remains disciplinary free for this period. Work Supervisor Reports are unavailable.

CORRECTIONAL COUNSELOR SIGNATURE

DATE

2/10/92

NAME	CDC NUMBER	INSTITUTION	CALENDAR	HEARING DATE
SNODGRASS	C-50459	DVI	MARCH 92	

POSTCONVICTION CREDIT			REASONS
YEAR	BPT	PBR	
			 J. ZUNIGA, CC I
			 K. ROST, CC II
			 J. DAWSON, C&PR (A)

ORDER:

- |   |  |
|---|--|
| <input type="checkbox"/> BPT date advanced by _____ months. | <input type="checkbox"/> BPT date affirmed without change. |
| <input type="checkbox"/> PBR date advanced by _____ months. | <input type="checkbox"/> PBR date affirmed without change. |

SPECIAL CONDITIONS OF PAROLE:

- ☐ Previously imposed conditions affirmed.
- ☐ Add or modify \_\_\_\_\_
- ☐ Schedule for Progress Hearing on appropriate institutional calendar.

NAME	CDC NUMBER	INSTITUTION	CALENDAR	HEARING DATE
SNODGRASS	C-50459	DVI	MARCH 92	



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# **EXHIBIT S**

**03-00-1993 LIFE PRISONER EVALUATION**

**EXHIBIT S**

1976. During the marriage, from age seven to nine, Snodgrass was sexually molested by his step-brother who is ten years his senior. The above occurred approximately once per week over a two year period and included forced anal intercourse and oral copulation.

His mother remarried John Nailen.

Snodgrass stated he felt ignored, belittled and verbally harassed by his step-father.

Snodgrass graduated from Pinole Valley High School in 1979. Attended Contra Costa Junior College for "a couple of months" before dropping out due to domestic problems and anxieties.

Snodgrass has no documented history of military service.

Snodgrass was 20 years old at the time of the instant offense and reportedly in good health.

His employment prior to the instant offense consisted of 6 months with Grand Auto Stores and of "small jobs" in gas stations, a pharmacy and landscaping services for friends. He states he drank a lot of alcohol to escape reality. After the instant offense, his use of marijuana reached alarming proportions.

III. POSTCONVICTION FACTORS: During his incarceration with CDC, Snodgrass has received one administrative CDC 115 and six documented episodes of custodial counseling (CDC 128A's). He completed the Vocational Mill and Cabinet Program in January of 1990, and a one semester course of business math through the San Joaquin Delta Community College District in the Fall of 1986. His work reports and vocational grades are consistently above average and/or excellent. He has received many references about his positive attitude and his eagerness and willingness to learn. His courtesy towards his peers and staff are also often mentioned. Snodgrass participated in and completed a Category "T" program while at CMF-Main from October 1987 through June 1990. His psychiatric reports indicate he has matured significantly. Snodgrass received lumbar disc surgery in San Francisco in 1991 and has subsequently returned to DVI and records appear to reflect a satisfactory recovery. He also completed a CAT X program in the fall 1991. The Board of Prison Terms had recommended he complete Category "X" and "T" programs and participate in self help groups such as Alcoholics and/or Narcotics Anonymous. He has completed those BPT recommendations. See attached Postconviction Progress Report for details.

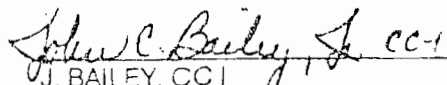
IV. FUTURE PLANS: Snodgrass plans to live in the Pinole, California area. More specific plans will be developed prior to his release.

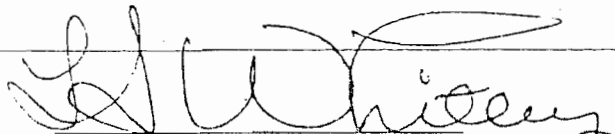
Members of the Pinole Valley Baptist Church have expressed support in the area of housing and employment. He possess employable skills, as a mill and cabinet worker and landscaper labor.

V. SUMMARY:

- A. Considering Snodgrass' commitment offense, lack of a prior record and institutional adjustment, this caseworker believes the prisoner would probably pose a moderate degree of threat to the public at this time, if released from prison.
- B. Prior to release, Snodgrass could benefit from remaining disciplinary free and maintaining his excellent work record and continuing to upgrade his vocational skills.

C. This Board report is based upon an eight (8) hour review of his central file and approximately a one (1) hour interview with Snodgrass.

  
J. BAILEY, CC I

  
H. WHITLEY, CC II

  
J. DAWSON, C & PR(A)

DOCUMENTATION HEARING

PAROLE CONSIDERATION HEARING

PROGRESS HEARING

## INSTRUCTIONS

O CDC STAFF: DOCUMENT EACH 12-MONTH PERIOD FROM THE DATE THE LIFE TERM STARTS TO PRESENT.

O BPT STAFF: FOR EACH 12-MONTH INCREMENT APPLY THE GUIDELINES UNDER WHICH THE PAROLE DATE WAS ORIGINALLY ESTABLISHED, i.e., 0-2 MONTHS FOR PBR AND 0-4 MONTHS FOR BPT. SEE BPT §§2290 - 2292, 2410 AND 2439.

POSTCONVICTION CREDIT			REASONS
YEAR	BPT	PBR	
02-08-92 TO 01-06-93 (PRESENT)			<p>Remains at Deuel Vocational Institution (DVI) as a Medium A custody, general population inmate assigned to the Prison Industries Authority Program (PIA) receiving above average work ratings with grades of 2. On 7-2-92, received a Unit Classification Committee (UCC) annual review and Post Board review. His custody was reviewed and deemed appropriate. He was informed of the Board of Prison Terms recommendations and continued in his program. On 8-22-92, he received an informative chrono from the Alcoholics Anonymous (AA) staff sponsor indicating his participation in DVI's AA program. On 11-16-92, UCC reviews subject's program per his request. UCC acts to place subject on the Educational Services-Vocational Drafting waiting list until reassigned. Snodgrass has remained disciplinary free for this period.</p> <p><i>John C. Bailey, Jr.</i> J. BAILEY, CC I</p> <p><i>H. Whitley</i> H. WHITLEY, CC II</p> <p><i>J. Dawson</i> J. DAWSON, C &amp; PR(A)</p>

REGIONAL COUNSELOR SIGNATURE

*John C. Bailey, Jr.*

DATE

1-20-1993

AE

SNODGRASS

CDC NUMBER

C-50459

INSTITUTION

DVI

CALENDAR

03/93

HEARING DATE



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# **EXHIBIT T**

**03-00-1994 LIFE PRISONER EVALUATION**

**EXHIBIT T**

PRISONER EVALUATION REPORT  
SUBSEQUENT PAROLE CONSIDERATION HEARING  
MARCH 1994 CALENDAR

I. COMMITMENT FACTORS:

- A. Life Crime: All relevant documents from the previous hearings have been considered. The information appears valid, and the writer has no further information to add.

Source of information is the Probation Officer's Report dated 06-18-82, pages 4 - 7 and 18.

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- B. Prisoner's Version: Remains the same as stated in the previous hearings.

- C. Aggravating and Mitigating Circumstances: Remains the same as stated in the previous hearings.

II. PRECONVICTION FACTORS: Documents from the previous hearings have been considered and the information remains valid.

The Source of this information is the Probation Officer's Report dated 06-18-82, pages 10 - 13.

III. POSTCONVICTION FACTORS: Documents from the previous hearings have been considered and the information remains valid. During the period of time since, then the prisoner's behavior has remained the same. His assignment continues to be Education Services, Vocational Drafting where he has received satisfactory grade reports. Alcoholics Anonymous attendance has been continuous since February 26, 1992. Voluntary therapy participation in Dr. Ferrant's lifer group included seven sessions in 1993. See attached Postconviction Progress Reports for details.IV. FUTURE PLANS:

Snodgrass suggests he has two families he could reside with if paroled. These are Glen Weber of Milpitas, California and Bob Turner of San Pablo, California. Each will provide letters to the Board of Prison Terms outlining their support. Regarding employment Snodgrass will seek work in Wood Working or in Drafting. Additional support is available from members of the Pinole Valley Baptist Church and the inmate's mother, Marietta Snodgrass who resides at 2664 Emma Drive, Pinole, California, telephone number (510) 724-7090.

V. SUMMARY:

- A. Considering the commitment offenses, prior record, and institutional adjustment, this caseworker believes the prisoner would probably pose a moderate degree of threat to the public, if released from prison.
- B. Prior to release, Snodgrass could benefit from remaining disciplinary free, continuing to upgrade vocationally and participating in self-help programming.

- C. This Board report is based on 6 hours of central file, inmate interview and incidental contact in the housing unit.

*D. Best*

D. BEST, CC I

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*S. Jackson CC II*

S. JACKSON, CC II

*K. Rost*

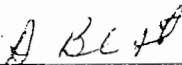


K. ROST, C & PR(A)

☐ DOCUMENTATION HEARING☐ PAROLE CONSIDERATION HEARING☐ PROGRESS HEARING

## INSTRUCTIONS

TO CDC STAFF: DOCUMENT EACH 12-MONTH PERIOD FROM THE DATE THE LIFE TERM STARTS TO PRESENT

TO BPT STAFF: FOR EACH 12-MONTH INCREMENT APPLY THE GUIDELINES UNDER WHICH THE PAROLE DATE WAS ORIGINAL  
ESTABLISHED, i.e., 0-2 MONTHS FOR PBR AND 0-4 MONTHS FOR BPT SEE BPT §§2290 - 2292, 2410 AND 243

POSTCONVICTION CREDIT			REASONS
YEAR	BPT	PBR	
01-07-93 TO 07-18-93			Remained at Deuel Vocational Institution (DVI) in the general population under Medium A custody. Assigned to Education Services, Vocational Drafting on 12-31-93, receiving satisfactory grade reports from the instructor. On 03-04-93 appeared before the Board of Prison Terms (BPT). Parole was denied one year. A Post Board Review was held on 06-14-93. Unit Classification Committee noted the BPT's recommendations to remain disciplinary free, continue to upgrade educationally, maintain vocational gain, participate in self-help programming and participate in therapy programming with a focus on issues outlined in the BPT decision in the psychiatric evaluation: No program change occurred. Received CDC 128-B dated 06-28-93, reflecting completion of the Alcoholics Anonymous 12 Step and 12 Tradition Program. Received no rule violations, adverse or laudatory chronos.
07-19-93 TO 01-20-94 (PRESENT)			Remained at DVI in the general population under Medium A custody. Continued assignment in Vocational Drafting, no grade report on file. Received no rule violation, adverse or laudatory chrono. Received a CDC 128-C dated 11-04-93, reflecting attendance at 7 sessions of a lifer therapy group. Received a CDC 128-B reflecting attendance at Alcoholic Anonymous since 02-26-92.
			<div style="text-align: center;">   D. BEST, CC I </div> <div style="text-align: center;">   S. JACKSON, CC II </div> <div style="text-align: center;">   K. ROST, C&amp;PR(A) </div>

CORRECTIONAL COUNSELOR SIGNATURE

DATE

Dallene Best

2-8-94

NAME	CDC NUMBER	INSTITUTION	CALENDAR	HEARING D
SNODGRASS	C-50459	DVI	03/94	



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# **EXHIBIT U**

**01-00-1995 LIFE PRISONER EVALUATION**

**EXHIBIT U**

LIFE PRISONER EVALUATION REPORT  
SUBSEQUENT PAROLE CONSIDERATION HEARING  
MAR 1995 CALENDAR

I. COMMITMENT FACTORS:

- A. Life Crime: Murder 2nd, (187PC) case # CC26252, 15 years to Life, MEPD: 9/28/90: Victim: John Naulen

1. Offense Summary: All relevant documents from the previous hearings including transcripts, have been considered and that information appears valid and the written has no further information to add.

2. Prisoner's Version: Remains the same as stated in the previous hearings.

3. Aggravating Circumstances: Remains the same as stated in the previous hearing.

4. Mitigating Circumstances: Remains the same as stated in the previous hearings.

II. PRECONVICTION FACTORS: Documents from the previous hearings have been considered and that information remains valid.

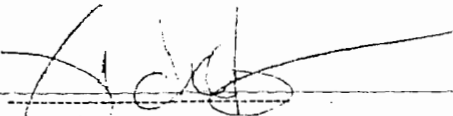
III. POSTCONVICTION FACTORS: Documents from the previous Documentation Hearing has been considered and that information remains valid. During the period of time since then Snodgrass's behavior has remained the same in that he continued to remain disciplinary free. On 5/23/94 Snodgrass transferred to the Vocational Air Engine Program. On 10-18-94, he entered the Vocational Air Frame Program and he continues to perform satisfactory.

IV. FUTURE PLANS: Remains the same as indicated in the previous Board Reports.

V. SUMMARY:


- A. Considering the commitment offense, prior record and prison adjustment, the writer believes that Snodgrass would probably pose a low degree of threat to the public, if released from prison at this time.
- B. Prior to release the inmate could benefit from maintaining his disciplinary free record continuing his positive programing and being an active participant in the Vocational Air Frame Program.
- C. This Report is based upon 1 1/2 hours of incidental contact in the housing unit a through review of the central file, and feed back from work supervisors and unit staff.

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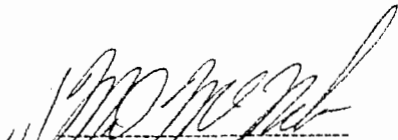
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V. DOBSON, CC I



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S. K. JACKSON, CC II



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K. ROST, C&PR

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# **EXHIBIT V**

**07-00-1997 LIFE PRISONER EVALUATION**

**EXHIBIT V**



LIFE PRISONER EVALUATION REPORT  
SUBSEQUENT PAROLE CONSIDERATION HEARING  
JULY 1997 CALENDAR

I. COMMITMENT FACTORS:

~~A. Life Crime: Murder 2nd, (187 PC)-1 Count, Case #CC26252, 15 years to Life;~~  
MEPD: 09-28-90; Victim: John Nailen, age 60.

1. Offense Summary: On the 18th of November 1981, in Pinole, California, Snodgrass shot his stepfather, Mr. John Nailen (age 60), in the chest area with Mr. Nailen's 7 millimeter hunting rifle. Mr. Nailen fell to the ground. Snodgrass then walked up to Mr. Nailen's position and shot him a second time in the neck. Mr. Nailen was transported to a hospital where he was pronounced dead. Source documents considered: Probation Officer's Report (POR) dated 06-18-82, pages 4, 5, 6, 7 & 18.
2. Prisoner's Version: As established in the Initial Probation Officer's Report of 06-18-82. "Constant harassment, belittlement, antagonism by stepfather and his family, has had a negative effect on my mental state of mind. I reached my breaking point after more than ten years of it. I broke and shot and killed my stepfather with a hunting rifle. I got involved by my mother marrying into the deceased victim's family. The way in which I was involved is as follows: I am the youngest in my mother's family. I was molested by 17 year old son of deceased when I was 7 years old. This went on for about two years and it has had a negative effect on my mind. That, in addition to terrorization by stepbrother and stepfather, over protectiveness by my mother has give me some mental problems I need to have taken care of. I'm not crazy, but I know I need help with these problems including depression and anxiety as well as others. I feel that the sooner I get help, the sooner I'll be able to feel normal and lead a normal life. Being that this whole perdicament was domestic in origin, I feel that it couldn't happen again. I'm a bit older and wiser now, and I'm trying to see things in their true light. I can be helped, and I want to be rid of these problems (I can be rid of these problems). I feel sentenceing without probation could only complicate my problems."

"My long-range plans are to feel better about myself, learn a skill and find a decent job. To marry, have kids, and to love them and give the things in life I never had, which I so desperately needed."

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3. Aggravating Circumstances:

- a) The crime involved great violence in that a person is now deceased.
- b) The victim was particularly vulnerable, having few avenues of retreat when Snodgrass pointed the rifle at him.
- ~~c) The available information pertaining to the offense establishes premeditation.~~
- d) During the commission of the crime the inmate had a clear opportunity cease but instead continued.

4. Mitigating Circumstances:

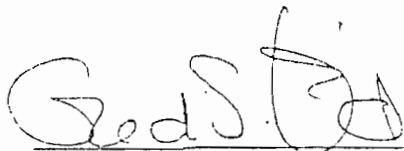
- a) The inmate has a minimal or no history of criminal behavior.
- b) The crime was committed during or due to an unusual situation unlikely to occur.
- c) The crime was committed during a brief period of extreme mental and/or emotional trauma.

II. PRECONVICTION FACTORS:

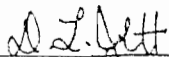
- A. Juvenile Record: None. Per POR dated 06-18-82, page 2.
- B. Adult Convictions: No adult arrest record prior to the commitment offense. Per POR dated 06-18-82, page 2.
- C. Personal Factors: Snodgrass was born 08-04-61, in Oakland, California, to the union of Harold Nathan Snodgrass and Marietta Montgomery Snodgrass. He is the youngest of three children, with two older sisters. His father died when he was five years old. When was eight years old, his mother married John Nailen, the victim in the instant offense. Their marriage is described as menacing, and included several separation with a divorce in 1976. In January of 1979, John Nailen under went surgery for cancer of the spleen and spent the majority of that year receiving radiation treatment. In December of 1979, John Nailen remarried Marietta. In October of 1981, Mr. Nailen was give a clean bill of health.

Snodgrass stated he felt ignored, belittled and verbally harassed by his step-father. He graduated from Pinole Valley High School in 1979. Attended Contra Costa Junior College for "a couple of months" before dropping out due to domestic problems and anxieties. He has no documented history of military service. He was 20 years old at the time of the offense and reportedly in good health. His employment prior to the instant consisted of 6 months with Grand Auto Stores and of "small jobs" in gas stations, a pharmacy and landscaping services for friends. He states he drank a lot of alcohol to escape reality. After the instant offense, his use of marijuana reached alarming proportions.

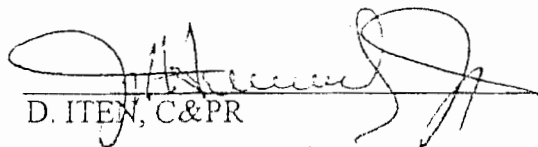
- III. POSTCONVICTION FACTORS: During his incarceration with CDC, Snodgrass has received one (1) administrative CDC-115 and six (6) documented episodes of custodial counseling (CDC-128-A's). He completed the Vocational Mill and Cabinet Program in January of 1990, and a one semester course of business math through the San Joaquin Delta Community College District in the Fall of 1986. His work reports and vocational grades are constantly above average and/or excellent. He has received many references about his positive attitude and his eagerness and willingness to learn. His courtesy towards his peers and staff are also often mentioned. Snodgrass participated in and completed a Category "T" program while at CMF-Main from October 1987 through June 1990. His psychiatric reports indicate he has matured significantly. He completed a CAT X program in the fall of 1991. The Board of Prison Terms (BPT) had previously recommended he complete CAT "X" and "T" programs and participate in self help groups such as Alcoholics and/or Narcotics Anonymous. He has completed those BPT recommendations. (See attached Postconviction Progress Report for details.)
- IV. FUTURE PLANS: Snodgrass upon release plans to reside temporary with his mother Marietta Snodgrass, 2664 Emma Drive, Pinole, CA 94564. Telephone (510) 724-7090. Once he establishes himself, he plans to live on his own. His employment plans appear to be straight forward. Once he receives his Federal Aviation Administration (FAA) License in Air Engine and Air Frame he will be very employable. As a back-up, he does possess employable skills in Mill & Cabinet.
- V. SUMMARY:
- A. Considering Snodgrass commitment offense, lack of a prior record and institutional adjustment, this caseworker believes the prisoner would probably pose a moderate degree of threat to the public at this time, if released from prison.
  - B. Prior to release, Snodgrass could benefit from remaining disciplinary free and maintaining his excellent work record and continuing to upgrade his education and vocational skills.



G. KINNARD, CC I



D. JETT, CC-II



D. ITEN, C&PR

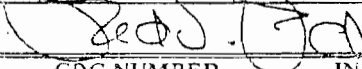


DOCUMENTATION HEARING  
PAROLE CONSIDERATION HEARING  
PROGRESS HEARING

INSTRUCTIONS

TO CDC STAFF: DOCUMENT EACH 12-MONTH PERIOD FROM THE DATE THE LIFE TERM STARTS TO PRESENT.  
TO BPT STAFF: FOR EACH 12-MONTH INCREMENT APPLY THE GUIDELINES UNDER WHICH THE PAROLE DATE WAS ORIGINALLY ESTABLISHED, i.e., 0-2 MONTHS FOR PBR AND 0-4 MONTHS FOR BPT. SEE BPT §§2290 - 2292, 2410 AND 2439.

POSTCORRECTION CREDIT			REASONS
YEAR	BPT	PBR	
1-21-94			Remained at Deuel Vocational Institution (DVI) in the general population under Medium A Custody. Continued assignment in Vocational Drafting, receiving satisfactory work reports. On 03-18-94, UCC approved family visits. On 03-21-94 received laudatory chrono for "Participation in Alcoholics Anonymous." On 03-17-94, completed "Intro to Algebra"- Patton College, grade of D completed 3 units. On 06-15-94 completed course in Psychotherapy (six session noted). On 06-16-94 appeared before the Board of Prison Terms (BPT), parole was denied one (1) year. BPT recommended (1) Remain disciplinary free, (2) Continue to participate in Self-help and Therapy Programs. Received no rule violations, or adverse chronos.
7-18-94			
7-19-94			
7-18-95			Remained at DVI in the general population under Medium A Custody. Continued assignment in Vocational Drafting. He transferred to Vocational Air Frame on 05-23-94 and remained until 10-18-94, advancing to Air Frame receiving satisfactory work reports. On 07-27-94 appeared before UCC for Annual Review- continue present program (CPP). On 12-23-94 appeared before UCC for Post Board Review based upon appearance before BPT on 06-19-94. On 05-11-94 completed "Time and Money Management class of Parole Recidivism Prevention Program (PRPP)." On 06-11-95 received medical chrono CDC-128-C indicating attendance in "The Stress and Anger Management" program offered by the Psychology Department. Received no rules violations or adverse chronos. Received four (4) laudatory chronos: one (1) for Participation in Arts In Correction program dated 05-01-95, one (1) for Participation in the Aeronautic Program dated 03-08-95, one (1) for Participation in Educational Services as a Tutor dated 01-16-95 and the last one for Participation in DVI's Trade Fair dated 06-02-95.
7-19-95			
7-18-96			
7-13-96			Remained at DVI in the general population under Medium A Custody. Continued assignment in Vocational air Frame receiving satisfactory grades. On 07-20-95 appeared before BPT for a Subsequent Hearing-Parole was denied two (2) years. The BPT made the following recommendations Remain disciplinary free, upgrade educationally and vocationally, participate in self-help and therapy groups. On 07-28-95 received a CDC-128-C "for

INSTITUTIONAL COUNSELOR SIGNATURE	DATE		
	5-30-97		
CDC NUMBER	INSTITUTION	CALENDAR	HEARING DATE
C-50459	DVI	07/97	


## POSTCONVICTION CREDIT

YEAR	BPT	PBR
1-19-96		
PRESENT 5-29-97		

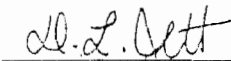
## REASONS

completion of 5 week Introduction to Stress and Anger Management offered by the Psychology Department. On 09-22-95 appeared before UCC for Post Board Review based on BPT appearance of 07-20-95. On 09-27-95 appeared before UCC for Annual Review-CPP. ON 11-13-95 completed "Health Relationship Class of PRPP. On 01-24-96 appeared before UCC for family visit approval. Received no rules violations or adverse chronos. Received one (1) laudatory chrono for "Participation in Alcoholics Anonymous dated 05-13-96. On 07-04-96 assigned to Voc Air Engine.

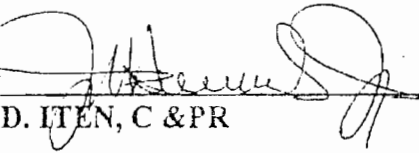
Remained at DVI in the general population under Medium A Custody. Continued assignment in Vocational air Engine receiving satisfactory grades. On 08-21-96 appeared before UCC for Annual Review-CPP. On 12-02-96 completed "Career Development Class of PRPP. On 04-21-97 completed "Conflict Resolution Class" of PRPP. Received no rules violations or adverse chronos. Received one (1) laudatory chrono for "Performance in Vocational Air Frame for maintaining a 95% average dated 08-21-96.



G. KINNARD, CC-I



D. JETT, CC II



D. ITEN, C &amp; PR

## DER:

- ☐ BPT date advanced by \_\_\_\_\_ months.
 ☐ BPT date affirmed without change.
 ☐ PBR date advanced by \_\_\_\_\_ months.
 ☐ PBR date affirmed without change.

## SPECIAL CONDITIONS OF PAROLE:

- ☐ Previously imposed conditions affirmed.
 ☐ Add or modify \_\_\_\_\_

- ☐ Schedule for Progress hearing on appropriate institutional calendar.

NAME	CDC NUMBER	INSTITUTION	CALENDAR	HEARING DATE
ODGRASS	C-50459	DVI	07/97	

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# **EXHIBIT W**

**09-00-1998 LIFE PRISONER EVALUATION**

**EXHIBIT W**

LIFE PRISONER EVALUATION REPORT  
SUBSEQUENT PAROLE CONSIDERATION HEARING  
AUGUST 1998 CALENDAR

I. COMMITMENT FACTORS:

~~A. Life Crime: Murder 2nd, (187-PC) case # CC26252, 15 years to Life, MEPD: 9-28-90: Victim: John Naulen~~

1. Offense Summary: All relevant documents from the previous hearings including transcripts, have been considered and that information appears valid and the writer has no further information to add.
2. Prisoner's Version: Remains the same as stated in the previous hearings.
3. Aggravating Circumstances: Remains the same as stated in the previous hearings.
4. Mitigating Circumstances: Remains the same as stated in the previous hearings.

II. PRECONVICTION FACTORS: Documents from the previous hearings have been considered and that information remains valid.

III. POSTCONVICTION FACTORS: Documents from the previous Documentation Hearing has been considered and that information remains valid. During the period of time since then Snodgrass's behavior has remained the same in that he continued to remain disciplinary free. He has continued in the Vocational Air Engine Program and he continues to earn satisfactory work reports. He has also participated in and completed the Parolee Recidivism Prevention Program in May 1998.

IV. FUTURE PLANS: Remains the same as indicated in the previous Board Reports.

V. SUMMARY:

- A. Considering the commitment offense, prior record and prison adjustment, this writer believes that Snodgrass would probably pose a moderate degree of threat to the public, if released from prison at this time.
- B. Prior to release, the inmate could benefit from maintaining his disciplinary free record continuing his positive programming and being an active participant in the Vocational Air Engine Program.

COPY SENT TO INMATE 6/3/98 [Signature]



- C. This Report is based upon an interview with Snodgrass and through review of the Central File.

*J. Kuykendall* 6-2-98  
J. KUYKENDALL, CCI

---

*R. Kuwahara*  
R. KUWAHARA, CC-II

*Dorlene Best, C&PR(A)*  
D. ITEN, C&PR 6-3-98

DOCUMENTATION HEARING

PAROLE CONSIDERATION HEARING

PROGRESS HEARING

INSTRUCTIONS

- 1 CDC STAFF: DOCUMENT EACH 12-MONTH PERIOD FROM THE DATE THE LIFE TERM STARTS TO PRESENT.
- 2 BPT STAFF: FOR EACH 12-MONTH INCREMENT APPLY THE GUIDELINES UNDER WHICH THE PAROLE DATE WAS ORIGINALLY ESTABLISHED, i.e., 0-2 MONTHS FOR PBR AND 0-4 MONTHS FOR BPT. SEE BPT §§2290 - 2292, 2410 AND 2439.

POSTCONVICTION CREDIT			REASONS
YEAR	BPT	PBR	
30-97			<p>Remained at DVI, under Medium A custody with 0 points. Continued assignment in Vocational Aircraft Engine receiving satisfactory work reports. He appeared before UCC on 5-21-97 for an Annual Review (which was not noted on the previous Progress Report). He was continued in his present program in Vocational Aircraft Engine. On 8-13-97, he appeared before the Board of Prison Terms and was denied parole for one (1) year. The recommendations were to remain disciplinary free and participate in self-help and therapy. On 10-9-97, he appeared before UCC for a Post Board Review. The recommendations of the Board of Prison Terms were reiterated and he was continued in his present program. He remained disciplinary free during this period and there is documentation to support participation in self-help citing his certificate of completion for the Parolee Recidivism Prevention Program which includes; Time and Money Management, Ethics and Values, Personal Devotions, Healthy Relationships, Career Development and Conflict Resolution, dated May 1998.</p> <p><i>L. Kuykendall</i> 6-2-98 L. KUYKENDALL, CCI</p> <p><i>R. Kuwahara</i> R. KUWAHARA, CCII</p> <p><i>Darlene Best</i> D. ITEN, C&amp;PR</p>
18-98 (sent)			

REGIONAL COUNSELOR SIGNATURE

DATE

INMATE CDC NUMBER

INSTITUTION

CALENDAR

HEARING DATE

INMATE

C-50459

DVI

09/98

# **EXHIBIT X**

**09-00-1999 LIFE PRISONER EVALUATION**

# **EXHIBIT X**

LIFE PRISONER EVALUATION REPORT  
SUBSEQUENT PAROLE CONSIDERATION HEARING  
SEPTEMBER 1999 CALENDAR

I. COMMITMENT FACTORS:

A. Life Crime: Murder 2nd, (187 PC) 1 Count, Case #CC26252, 15 years to Life; MEPD; 09-28-90; Victim: John Nailen, age 60.

1. Offense Summary: On the 18th of November 1981, in Pinole, California Snodgrass shot his stepfather, Mr. John Nailen (age 60), in the chest area with Mr. Nailen's 7 millimeter hunting rifle. Mr. Nailen fell to the ground. Snodgrass then walked up to Mr. Nailen's position and shot him a second time in the neck. Mr. Nailen was transported to a hospital where he was pronounced dead. Source documents considered Probation Officer's Report (POR) dated 06-18-82, pages 4, 5, 6, 7 & 18.

2. Prisoner's Version: As established in the Initial Probation Officer's Report of 06-18-82. "Constant harassment, belittlement, antagonism by stepfather and my family, has had a negative effect on my mental state of mind. I reached my breaking point after more than ten years of it. I broke and shot and killed my stepfather with a hunting rifle. I got involved by my mother marrying into the deceased victim's family. The way in which I was involved is as follows: I am the youngest in my mother's family. I was molested by the 17 year old son of the deceased when I was 7 years old. This went on for about two years and it has had a negative effect on my mind. That, in addition to terrorization by stepbrother and stepfather, over protectiveness by my mother has give me some mental problems I need to have taken care of. I'm not crazy, but I know I need help with these problems including depression and anxiety as well as others. I feel that the sooner I get help, the sooner I'll be able to feel normal and lead a normal life. Being that this whole predicament was domestic in origin, I feel that it couldn't happen again. I'm a bit older and wiser now, and I'm trying to see things in their true light. I can be helped, and I want to be rid of these problems (I can be rid of these problems). I feel sentencing without probation could only complicate my problems."

"My long-range plans are to feel better about myself, learn a skill and find a decent job. To marry, have kids, and to love them and give the things in life I never had, which I so desperately needed."

COPY SENT TO BUREAU 1-21-00



3. Aggravating Circumstances:

- a) The crime involve great violence in that a person is now deceased.
- b) The victim was particularly vulnerable, having few avenues of retreat when Snodgrass pointed the rifle at him
- c) ~~The available information pertaining to the offense established premeditation.~~
- d) During the commission of the crime the inmate had a clear opportunity to cease but instead continued.

4. Mitigating Circumstances:

- a) The inmate has a minimal or no history of criminal behavior
- b) The crime was committed during or due to an unusual situation unlikely to occur.
- c) The crime was committed during a brief period of extreme mental and/or emotional trauma.

II. PRECONVICTION FACTORS:

- A. Juvenile Record: None. Per POR dated 06-18-82, page 2.
- B. Adult Convictions: No adult arrest record prior to the commitment offense. Per POR dated 06-18-82, page 2.
- C. Personal Factors: Snodgrass was born 08-04-61, in Oakland, California, to the union of Harold Nathan Snodgrass and Marietta Montgomery Snodgrass. He is the youngest of three children, with two older sisters. His father died when he was five years old. When he was eight years old, his mother married John Nailen, the victim in the instant offense. Their marriage is described as menacing, and included several separations with a divorce in 1976. In January of 1979, John Nailen underwent surgery for cancer of the spleen and spent the majority of that year receiving radiation treatment. In December of 1979, John Nailen remarried Marietta. In October of 1981, Mr. Nailen was given a clean bill of health.

Snodgrass stated he felt ignored, belittled and verbally harassed by his step-father. He graduated from Pinole Valley High School in 1979. Attended Contra Costa Junior College for "a couple of months" before dropping out due to domestic problems and anxieties. He has no documented history of military service. He was 20 years old at the time of the offense and reportedly in good health. His employment prior to the instant offense consisted of 6 months with Grand Auto Stores and of "small jobs" in gas stations, a pharmacy and landscaping services for friends. He states he drank a lot of alcohol to escape reality. After the instant offense, his use of marijuana reached alarming proportions.

III. POSTCONVICTION FACTORS: During his incarceration with CDC, Snodgrass has received one (1) administrative CC-115 and six (6) documented episodes of custodial counseling (CDC-128-A's). he completed the Vocational Mill and Cabinet Program in January of 1990, and one semester course of business math through the San Joaquin Delta Community College District in the Fall of 1986. He has received his FAA license for both Air Engine and Air Frame through the vocational program at DVI. He is currently gaining experience in welding through the Vocational Welding program here at DVI. His work reports and vocational grades are constantly above average and/or excellent. He has received many references about his positive attitude and his eagerness and willingness to learn. His courtesy towards his peers and staff are also often mentioned. Snodgrass participated in and completed a Category "T" program while at CMF-Main from October 1987 through June 1990. His psychiatric reports indicate he has matured significantly. He completed a CAT X program in the fall of 1991. The Board of Prison Terms (BPT) had previously recommended he completed CAT "X" and "T" programs and participate in self help groups such as Alcoholics and/or Narcotics Anonymous. He has completed those BPT recommendations. (See attached Postconviction Progress Report for details.)

IV. FUTURE PLANS: Snodgrass upon release plans to reside temporary with his mother Marietta Snodgrass, 2664 Emma Drive, Pinole, CA 94564. Telephone (510) 724-7090. Once he establishes himself, he plans to live on his own. His employment plans appear to be straight forward. He received his Federal Aviation Administration (FAA) License in Air Engine and Air Frame and will be very employable. As a back-up, he does possess employable skills in Mill & Cabinet, and Welding.

V. SUMMARY:

- A. Considering Snodgrass' commitment offense, lack of a prior record and institutional adjustment, this caseworker believes the prisoner would probably pose a moderate degree of threat to the public at this time, if released from prison.
- B. Prior to release, Snodgrass could benefit from remaining disciplinary free and maintaining his excellent work record and continuing to upgrade his education and vocational skills.

*S. Nowling*  
for S. NOWLING, CCI (A)

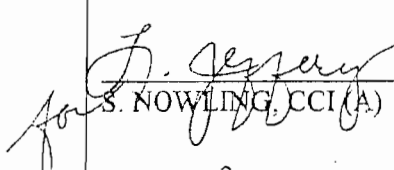
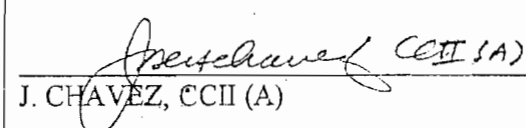
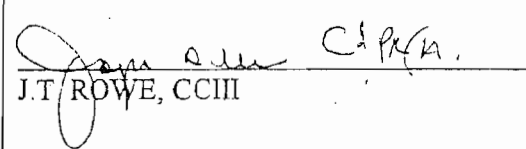
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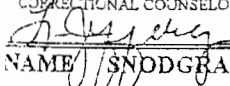
*J. Chavez*  
J. CHAVEZ, CC-II (A)

*J. T. Rowe*  
J. T. ROWE, C&PR

- ☐ DOCUMENTATION HEARING
- ☐ PAROLE CONSIDERATION HEARING
- ☐ PROGRESS HEARING

INSTRUCTIONS  
TO CDC STAFF: DOCUMENT EACH 12-MONTH PERIOD FROM THE DATE THE LIFE TERM STARTS TO PRESENT.  
TO BPT STAFF: FOR EACH 12-MONTH INCREMENT APPLY THE GUIDELINES UNDER WHICH THE PAROLE DATE WAS ORIGINALLY ESTABLISHED, i.e., 0-2 MONTHS FOR PBR AND 0-4 MONTHS FOR BPT. SEE BPT §§2290 - 2292, 2410 AND 2439.

POSTCONVICTION CREDIT			REASONS
YEAR	BPT	PBR	
05-19-98 TO 05-18-99 (Present)			Subject remained at DVI under Medium A Custody with a classification score of zero. He continued earning excellent work reports from his Vocational Air Engine Supervisor. On 05-21-99, he received a CDC-128-B citing his participation in AA. On 05-22-98, he appeared before UCC for his Annual Review and was continued in his present program. He received a CDC-128-B dated 07-09-98, citing his completion of 52 home study lessons and 26 classes on "Mental Health Through Will Training." He received a CDC-128-B Laudatory chrono citing his knowledge, dependability and conscientiousness while working in the PIA Woodshop. On 09-2-98, he appeared before the BPT and was denied parole for one (1) year. The BPT made the recommendations to remain disciplinary free, upgrade educationally, vocationally and participate in self-help/therapy. He received a CDC-128-B dated 09-22-99 citing his participation in Narcotics Anonymous. On 10-23-98, he appeared before UCC for his Post Board Review. The BPT recommendations were reiterated and he was continued in his present program. On 03-09-99, he entered the Vocational Welding program and according to the supervisor, he has made a "Good Start." He appeared before UCC on 05-06-99 for his Annual Review and was continued in his present program. Subject remained disciplinary free, has participated in self help/therapy and continues to upgrade vocationally/educationally. Subject programmed well during this period of time.
			<div><div> S. NOWLING, CCI (A)</div><div> J. CHAVEZ, CCII (A)</div><div> J.T. ROWE, CCIII</div></div>

CORRECTIONAL COUNSELOR SIGNATURE		DATE	
		12-14-99	
NAME	SNODGRASS	CDC NUMBER	C-50459
INSTITUTION	DVI	CALENDAR	09/99
HEARING DATE			

COPY SENT TO INMATE 1-21-00



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# **EXHIBIT Y**

**04-00-2001 LIFE PRISONER EVALUATION**

**EXHIBIT Y**

LIFE PRISONER EVALUATION REPORT  
SUBSEQUENT PAROLE CONSIDERATION HEARING  
APRIL 2001 CALENDAR

I. COMMITMENT FACTORS:

A. Life Crime: Murder 2<sup>nd</sup>, 187 PC, Count 1, Case #CC26252, sentenced to 15 Years to Life. MEPD: 09-28-90. Victim: John Nailen, age 60.

B. Prisoner's Version: Remains the same as stated in the previous hearings.

C. Aggravating and Mitigating Circumstances: Remains the same as stated in the previous hearings.

II. PRECONVICTION FACTORS:

Documents from the previous hearings have been considered and that information remains valid.

III. POSTCONVICTION FACTORS:

Documents from the previous hearings have been considered and the information remains valid. During the period of time since the last hearing, the prisoner's behavior has remained the same in that he continues to remain disciplinary free. His last CDC 115 was in 1989. He continues in the Vocational Welding Program earning satisfactory grades, where he has also earned several certifications. He continues his participation in Alcoholic's Anonymous and has completed a self-confrontation class offered by the Parolee Recidivism Prevention Program. Overall, he continues to positively program. (See attached Postconviction Progress Report for details).

III. FUTURE PLANS:

Snodgrass continues to plan temporary residence with his mother, Marietta Snodgrass, 2664 Emma Drive, Pinole, CA 94564, (510) 724-7090. He has received his Federal Aviation Administration (FAA) License in Air Engine and Air Frame and plans to find employment in that field. He also has employable skills in Mill and Cabinet and Welding.

NAME CDC #  
SNODGRASS C-50459

INSTITUTION  
DVI

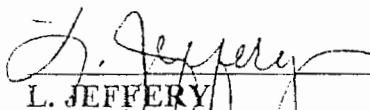
CALENDAR  
APRIL 2001


HEARING DATE


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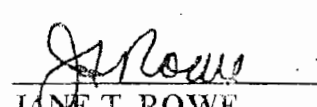
IV. SUMMARY:

- A. Considering the commitment offense, prior record and prison adjustment, the writer believes the prisoner would pose a moderate degree of threat to the public, at this time, if released from prison.
- B. Prior to release, the prisoner could benefit from maintaining his disciplinary free record, continuing his work assignment earning satisfactory ratings and continuing his participation in Alcoholic's Anonymous and other self-help programs, as they become available.
- C. This Board Report is based upon a review of the central file and an interview with the inmate.
- D. The inmate was afforded an opportunity to review his central file and declined.

 8/13/01  
L. JEFFERY  
Correctional Counselor I  
Program Unit II

 8/13/01  
S. MARQUEZ  
Correctional Counselor II (A)  
Program Unit II

 8/20/01  
J.E. ZUNIGA  
Facility Captain (A)  
Program Unit II

 8-21-01 (AP)  
JANE T. ROWE  
Classification & Parole Representative

NAME CDC #  
SNODGRASS C-50459

INSTITUTION  
DVI

CALENDAR  
APRIL 2001

HEARING DATE

☐ DOCUMENTATION HEARING☒ PAROLE CONSIDERATION HEARING☐ PROGRESS HEARING

## INSTRUCTIONS

TO CDC STAFF: DOCUMENT EACH 12-MONTH PERIOD FROM THE DATE THE LIFE TERM STARTS TO PRESENT.

TO BPT STAFF: FOR EACH 12-MONTH INCREMENT APPLY THE GUIDELINES UNDER WHICH THE PAROLE DATE WAS ORIGINALLY ESTABLISHED, i.e., 0-2 MONTHS FOR PBR AND 0-4 MONTHS FOR BPT. SEE BPT §§2290 - 2292, 2410 AND 2439.

## POSTCONVICTION CREDIT

YEAR	BPT	PBR	REASONS
05-19-99 TO 05-18-00			PLACEMENT: Remained at DVI in the General Population.
			CUSTODY: Medium A.
			VOCATIONAL TRAINING: Continues his Vocational Welding earning satisfactory grades.
			ACADEMICS: None.
			WORK RECORD: None.
			GROUP ACTIVITIES: CDC 128B of 07-29-99, citing participation in Alcoholic's Anonymous.
			PSYCHIATRIC TREATMENT: None noted.
			PRISON BEHAVIOR: Disciplinary free during this period.
			OTHER: None.

CORRECTIONAL COUNSELOR SIGNATURE

DATE

NAME:  
SNODGRASSCDC NUMBER:  
C-50459INSTITUTION:  
DVI-III  
PAGE 1 OF 2CALENDAR:  
APRIL 2001

HEARING DATE

COPY SENT TO INMATE 8-21-01



POST-CONVICTION CREDIT			REASONS
YEAR	BPT	PBR	
05-19-00 TO PRESENT			<p>PLACEMENT: Remains at DVI in the General Population.  CUSTODY: Medium A.  VOCATIONAL TRAINING: Continues in the Vocational Welding earning satisfactory grades.  ACADEMICS: None.  WORK RECORD: None.  GROUP ACTIVITIES: CDC 128B of 08-01-00, citing continued participation in Alcoholic's Anonymous.  PSYCHIATRIC TREATMENT: None noted.  PRISON BEHAVIOR: Disciplinary free this period.</p>
			<p>OTHER: CDC 128B of 03-13-01, citing completion of "Self-Confrontation Class" offered by the Parolee Recidivism Prevention Program. Certificate of 02-14-01, for participation in Bottle Stoppers AA Program.</p> <p><i>L. Jeffery</i> 8/13/01  L. JEFFERY, CCI</p> <p><i>S. Marquez</i> 8/13/01  S. MARQUEZ, CCI(A)</p> <p><i>J. E. Zuniga</i> 8/20/01  J. E. ZUNIGA, VC (A)</p> <p><i>J. Rowe</i> 8/21/01 DR  JANE ROWE, C &amp; PR</p>

## ORDER:

- ☐ BPT date advanced by \_\_\_\_\_ months.
☐ BPT date affirmed without change.
☐ PBR date advanced by \_\_\_\_\_ months.
☐ PBR date affirmed without change.

## SPECIAL CONDITIONS OF PAROLE:

- ☐ Previously imposed conditions affirmed.  
☐ Add or modify \_\_\_\_\_

- ☐ Schedule for Progress hearing on appropriate institutional calendar.

NAME:  
S. JODGRASS

CDC NUMBER:  
C-50459

INSTITUTION:  
DVI-II  
PAGE 2 OF 2

CALENDAR:  
APRIL 2001

HEARING DATE

---

# **EXHIBIT Z**

**11-00-2002 LIFE PRISONER EVALUATION**

**EXHIBIT Z**

LIFE PRISONER EVALUATION REPORT  
SUBSEQUENT PAROLE CONSIDERATION HEARING# 9  
NOVEMBER 2002 CALENDAR

SNODGRASS, GARY

C50459

**I. COMMITMENT FACTORS:**

---

- A. **Life Crime:** All relevant documents from the previous hearings have been considered, and that information appears valid. The writer has no further information to add.
- B. **Prisoner's Version:** In an interview for this report, Inmate Snodgrass indicated that his version remains the same as stated in the previous hearings.
- C. **Aggravating and Mitigating Circumstances:**
1. The following factor in aggravation was noted per DOM Section 62090.11.2.1.1:
    - During the commission of the crime, the inmate had a clear opportunity to cease but instead continued.
  2. The following factors in mitigation were noted per DOM Section 62090.11.2.1.2:
    - The inmate has a minimal or no history of criminal behavior.
    - The crime was committed during or due to an unusual situation unlikely to recur.

II. **PRECONVICTION FACTORS:** Documents from the previous hearings have been considered, and that information appears valid. The writer has no further information to add.

III. **POSTCONVICTION FACTORS:** Documents from the previous hearings have been considered, and the information remains valid. During the period of time since the last hearing, the prisoner's behavior has remained the same, in that Snodgrass has remained disciplinary free, active in AA group (until his transfer to CTF) and has continued average or above performance in his work assignments. See Postconviction Progress Report for details.

IV. **FUTURE PLANS:** Remain the same as indicated in the previous Board Report.

SNODGRASS, GARY

C50459

CTF-Soledad

NOV/2002

V. SUMMARY:

- A. Considering the commitment offense, lack of prior record and positive prison adjustment, this writer believes that the prisoner would probably pose a low degree of threat to the public at this time, if released from prison.
- B. Prior to release, the prisoner could benefit from remaining disciplinary free.
- C. No accommodation for the purposes of effective communication was required per the Armstrong Remedial Plan.
- D. This Board Report is based upon a one hour interview, a thorough review of the Central File, and two and a half months incidental contact in the housing unit. Inmate Snodgrass was afforded an opportunity to review his Central File, per the Olson Decision, on 10/2/02.

- ☐ DOCUMENTATION HEARING
- ☒ PAROLE CONSIDERATION HEARING
- ☐ PROGRESS HEARING

(Life term started 7/19/82)

## INSTRUCTIONS

TO CDC STAFF: DOCUMENT EACH 12-MONTH PERIOD FROM THE DATE THE LIFE TERM STARTS TO PRESENT

TO BPT STAFF: FOR EACH 12-MONTH INCREMENT APPLY THE GUIDELINES UNDER WHICH THE PAROLE DATE WAS ORIGINALLY ESTABLISHED, i.e., 0-2 MONTHS FOR PBR AND 0-4 MONTHS FOR BPT. SEE BPT §§2290 - 2292, 2410 AND 2439.

POSTCONVICTION CREDIT			REASONS
YEAR	BPT	PBR	
7/00 to 7/01			<p><b>PLACEMENT:</b> Remained at DVI during this period.</p> <p><b>CUSTODY:</b> Medium A</p> <p><b>CLASSIFICATION SCORE:</b> 0.</p> <p><b>MEDICAL:</b> TB Alert Code 22 dated 4/30/01.</p> <p><b>ACADEMIC:</b> None during this period. Took the T.A.B.E. on 8/15/00 with reading, math and language skills all measured at 12.9, per 128-B dated 8/15/00.</p> <p><b>WORK:</b> Assigned to vocational training during this period.</p> <p><b>VOCATION:</b> Assigned to Voc Welding during this period with positive ratings on 128-E chronos.</p> <p><b>GROUP ACTIVITIES:</b> Continued participation in AA group (since 2/26/92) per 128-B dated 8/1/00. Completed the eight-week "Self-Confrontation Class" per 128-B dated 3/13/01.</p> <p><b>PSYCH TREATMENT:</b> None during this period.</p> <p><b>PRISON BEHAVIOR:</b> Remained disciplinary free during this period.</p>
CORRECTIONAL COUNSELOR'S SIGNATURE			DATE

SNODGRASS, GARY

C50459

CTF-SOLEDAD

NOV/2002



## CONTINUATION SHEET: LIFE PRISONER: POSTCONVICTION PROGRESS REPORT

POSTCONVICTION CREDIT			REASONS
YEAR	BPT	PBR	
7/01 to 7/02			<p><b>PLACEMENT:</b> Transferred to CTF on 4/15/02.</p> <p><b>CUSTODY:</b> Medium A.</p> <p><b>CLASSIFICATION SCORE:</b> 0.</p> <p><b>MEDICAL:</b> Met inclusion criteria for the MH Treatment Population (CCCMS) due to medical necessity, per 128-C dated 9/5/01. Removed from CCCMS on 4/3/02. TB Alert Code 22 dated 4/17/02 and 5/6/02. Fit for full duty, 4/19/02 and 4/23/02.</p> <p><b>ACADEMIC:</b> None during this period.</p> <p><b>WORK:</b> Assigned to Plant Operations on 12/18/01. 128-B dated 3/6/02 requested Snodgrass be retained at DVI due to his skills in drafting and as a certified welder. After transfer to CTF, assigned to PIA Wood Products (East Dorm) as Furniture Finisher from 5/1/02 to 5/29/02. Reassigned as Machine Operator (East Dorm) from 5/29/02 to the end of the period. Satisfactory ratings on CDC 101 chron dated 7/1/02 (30 day evaluation/pay increase).</p> <p><b>VOCATION:</b> Completed Voc Welding program per 128-E dated 1/3/02.</p> <p><b>GROUP ACTIVITIES:</b> Continued participation in AA group (since 2/26/92) per 128-B chronos dated 8/2/01, 12/24/01 and 4/11/02.</p> <p><b>PSYCH TREATMENT:</b> None during this period.</p> <p><b>PRISON BEHAVIOR:</b> Remained disciplinary free during this period.</p>

## ORDER:

☐  
☐

BPT date advanced by months.  
 PER date advanced by months.

☐  
☐

BPT date affirmed without change.  
 PBR date affirmed without change.

## SPECIAL CONDITIONS OF PAROLE:

☐  
☐

Previously imposed conditions affirmed.  
 Add or modify

☐

Schedule for Progress Hearing on appropriate institutional calendar

SNODGRASS, GARY

C50459

CTF SOLEDAD

NOV/2002

Case 3:08-cv-03322-JSW Document 4-3 Filed 07/09/2008 Page 4 of 94

POSTCONVICTION CREDIT			REASONS
YEAR	BPT	PBR	
7/02 to Present (10/03/02)			<p><b>PLACEMENT:</b> Remained at CTF during this period. Transferred from Z Wing to the East Dorm on 8/9/02.</p> <p><b>CUSTODY:</b> Medium A.</p> <p><b>CLASSIFICATION SCORE:</b> 0.</p> <p><b>MEDICAL:</b> None during this period.</p> <p><b>ACADEMIC:</b> None during this period.</p>
			<p><b>WORK:</b> Remained in PIA Wood Products assignment (Machine Operator) in East Dorm during this period.</p> <p><b>VOCATION:</b> None during this period, other than working in PIA Wood Products assignment.</p> <p><b>GROUP ACTIVITIES:</b> None during this period.</p> <p><b>PSYCH TREATMENT:</b> None during this period.</p> <p><b>PRISON BEHAVIOR:</b> Remained disciplinary free during this period.</p>

ORDER:

☐ BPT date advanced by \_\_\_\_\_ months.  
☐ PBR date advanced by \_\_\_\_\_ months.

☐ BPT date affirmed without change.  
☐ PBR date affirmed without change.

## SPECIAL CONDITIONS OF PAROLE:

☐ Previously imposed conditions affirmed.  
☐ Add or modify

☐ Schedule for Progress Hearing on appropriate institutional calendar

NOV/2002

G. Peabody 10/30/02  
 G. Peabody Date  
 Correctional Counselor I

C. Plymesser 10/30/02  
 C. Plymesser Date  
 Correctional Counselor II

L. Trexler 10/31/02  
 L. Trexler Date  
 Facility Captain(A)

D.S. Levorse 10/31/02  
 D.S. Levorse Date  
 Classification and Parole Representative

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# **EXHIBIT AA**

**11-00-2003 LIFE PRISONER EVALUATION**

**EXHIBIT AA**

LIFE PRISONER EVALUATION REPORT  
SUBSEQUENT PAROLE CONSIDERATION HEARING  
NOVEMBER 2003 CALENDAR

SNODGRASS, GARY

C-50459

I. COMMITMENT FACTORS:

- A. **Life Crime:** Murder 2<sup>nd</sup> Degree, PC 187, from Contra Costa County Case #25252. Received by CDC on 7/19/82 with a sentence of 15 years to Life and an MEPD of 9/11/90. Weapon; rifle, victim; John Daniel Nailen, 60 years old.
1. **Summary of Crime:** The defendant's mother, Marietta Snodgrass, married John Nailen in 1969 when the defendant was approximately seven years old. The marriage was somewhat tempestuous and the couple separated on several occasions before the marriage terminated in divorce in 1976. The defendant relates that his stepfather constantly belittled and verbally harassed him. His anxiety increased when his mother remarried John Nailen again, in 1979. Over the ensuing years, his distress and anxiety developed into a consuming hatred of John Nailen. He fantasized about killing the victim months before the crime took place. On November 18, 1981, he secreted his stepfather's rifle behind some plasterboard in the garage. When his stepfather returned home from dropping off his wife and daughter at work, he told Gary to put out the cat. The defendant complied with this order and as he went outside, he retrieved the weapon. As he was preparing the weapon it accidentally discharged. Mr. Nailen came outside to investigate the disturbance and was shot twice by the defendant. He subsequently died that morning at the hospital. Source; POR pg. 3 - 7.
  2. **Prisoner's Version:** As established in the Initial Probation Officer's Report of 6/18/82. "Constant harassment, belittlement, antagonism by stepfather and my family, has had a negative effect on my mental state of mind. I reached my breaking point after more than ten years of it. I broke and shot and killed my stepfather with a hunting rifle. I got involved by my mother marrying into the deceased victim's family. The way in which I was involved is as follows: I am the youngest in my mother's family. I was molested by the 17 year old son of the deceased when I was 7 years old. This went on for about two years and it has had a negative effect on my mind. That, in addition to terrorization by stepbrother and stepfather, over protectiveness by my mother has given me some mental problems I

SNODGRASS, GARY

C-50459

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NOV/2003

SENT TO INMATE ON 3-9-04



need to have taken care of. I'm not crazy, but I know I need help with these problems I need to have taken care of. I'm not crazy, but I know I need help with these problems including depression and anxiety as well as others. I feel that the sooner I get help, the sooner I'll be able to feel normal and lead a normal life. Being that this whole predicament was domestic in origin, I feel that it couldn't happen again. I'm a bit older and wiser now, and I'm trying to see things in their true light. I can be helped, and I want to be rid of these problems (I can be rid of these problems). I feel sentencing without probation could only complicate my problems."

"My long-range plans are to feel better about myself, learn a skill and find a decent job. To marry, have kids, and to love them and give the things in life I never had, which I so desperately needed."

3. Aggravating/Mitigating Circumstances:

a. Aggravating Factors:

- 1) Use of weapon.

b. Mitigating Factors:

- 1) Crime was committed during or due to an unusual situation unlikely to reoccur.
- 2) Prisoner has minimal or no history of criminal behavior.

B. Multiple Crime(s): None.

1. Summary of Crime: N/A.

2. Prisoner's Version: N/A.

II. PRECONVICTION FACTORS:

A. Juvenile Record: None.

B. Adult Convictions and Arrests: None.

C. Personal Factors: Snodgrass was born August 4, 1961 in Oakland, California to the union of Harold Nathan Snodgrass and Marietta Montgomery. He was the youngest of three children. His father died when he was five years old. Three years later his mother remarried to Mr. John Nailen, the victim in the instant

offense. Their marriage was described as turbulent, and included several separations, ultimately ending in divorce in 1976. In December of 1979 they remarried once again. Snodgrass states that the stress of his stepfather's abuse led to his decisions that ended in Mr. Nailen's murder. Snodgrass graduated from Pinole Valley High School in 1979, and did not serve in any branch of the military.

### III. POSTCONVICTION FACTORS:

- A. Special Programming /Accommodations: None.
- B. Custody History: Since his last board hearing, Snodgrass has remained at the Correctional Training Facility under Medium A custody with zero (0) classification points. He has continued working full time as a machine operator in the PIA Wood Products Factory, building furniture. Grades for this time period are satisfactory to above average. Supervisor comments include, "Inmate Snodgrass is a good, hard worker. He is eager to learn and complete his assigned tasks in a timely manner."
- C. Therapy and Self-Help Activities: Inmate Snodgrass has voluntarily participated in a four hour video/discussion of issues related to successfully re-engaging into society. This discussion was under the auspices of the Inmate Employability Program, per C. D. Walker, I.E.P. Coordinator at CTF Prison Industry Authority. (8/30/02) It should be noted that therapy opportunities are limited at CTF. (AA currently closed).
- D. Disciplinary History:

#### CDC 128A's:

2/15/83	SQ	Failure to report to school.
Unknown	DVI	Possession of contraband.
10/24/83	DVI	Possession of contraband.
3/10/91	SQ	Failure to make his lock up.
12/11/91	CMF	Smuggling wood into CMF-Main.
9/29/95	DVI	Disordered clothing in cell.

#### CDC 115's:

8/31/89	CMF	Administrative 115 for Out of Bounds in Mod. "S" found <u>Guilty:</u> warned and counseled.
---------	-----	--

- E. Other: Snodgrass was seen by the Board of Prison Terms on November 22, 2002 and was denied parole for one year. In addition the board recommended that Snodgrass remain disciplinary free since (see report) 1989. He has also completed a voluntary self-help discussion group revolving around the issues of re engaging back into society, through the auspices of the IEP Coordinator, Charlie D. Walker. (9/30/02)

#### IV. FUTURE PLANS:

- A. Residence: Snodgrass has plans to reside with his Mother, Marietta Snodgrass, at 2664 Emma Drive, Pinole, CA. 94564. Telephone number (510) 724-7090.
- B. Employment: Snodgrass has completed several vocational programs including FAA certification in Aircraft, Airframe and Powerplant Technology, Mill and Cabinet, Vocational Welding and Vocational Drafting (including CAD). Also noted were several certificates for various welding processes. Snodgrass also states that since 1988 he has earned his own spending money by selling his wood working handicraft (until his transfer to CTF).
- C. Assessment: Snodgrass has several vocational skills that could provide for his own maintenance upon release. He has an offer of residence from his mother in his county of residence. Though very few opportunities exist for therapeutic intervention or development through self-help programs, Snodgrass has completed an X-Program and a T-Program and has assured this writer that he would be willing to undertake any requirements that the Board may deem necessary.

- V. USINS STATUS: Snodgrass is a United States citizen.

#### VI. SUMMARY:

- A. Considering the commitment offense, prior record and prison adjustment this writer believes the prisoner would probably pose a low degree of threat to the public at this time if released from prison. My contact with inmate Snodgrass has been limited to this board report, though we did have an extensive discussion about the instant offense. He expressed remorse for taking the victim's life. My assessment is that due to immaturity and a lack of psychological support, Snodgrass could not grasp any other solution out of his problems other than the one he chose. I believe he would make a different choice if faced with the same circumstances today.

- B. Prior to release the prisoner could benefit from maintaining his disciplinary free behavior and taking advantage of any therapy programs that may be offered by CDC.
  - C. This report is based on an interview with the prisoner on 7/22/03 lasting approximately 1 ½ hour(s) and a review of the Central File lasting four hours.
  - D. Prisoner was afforded an opportunity to review his Central File on 7/22/03 which he declined per the CDC 128-B of the same date.
- 
- E. No accommodation was required per the Armstrong vs. Davis BPT Remedial Plan for effective communication.

- ☐ DOCUMENTATION HEARING
- ☒ PAROLE CONSIDERATION HEARING
- ☐ PROGRESS HEARING

**INSTRUCTIONS**

TO CDC STAFF: DOCUMENT EACH 12-MONTH PERIOD FROM THE DATE THE LIFE TERM STARTS TO PRESENT

TO BPT STAFF: FOR EACH 12-MONTH INCREMENT APPLY THE GUIDELINES UNDER WHICH THE PAROLE DATE WAS ORIGINALLY ESTABLISHED, ie., 0-2 MONTHS FOR PBR AND 0-4 MONTHS FOR BPT. SEE BPT §§2290 - 2292, 2410 AND 2439.

POSTCONVICTION CREDIT			REASONS
YEAR	BPT	PBR	
11/02 to Present			<p><b>PLACEMENT:</b> Remained at the Correctional Training Facility (CTF).</p> <p><b>CUSTODY:</b> Remains at Medium A.</p> <p><b>VOC. TRAINING:</b> None noted.</p> <p><b>ACADEMICS:</b> None noted.</p> <p><b>WORK RECORD:</b> Continued full time assignment working as a machine operator in the PIA Wood Products Factory. Grades for this period are satisfactory to above average.</p> <p><b>GROUP ACTIVITIES:</b> Completed four hour video instruction/discussion related to issues of successfully re-engaging back into society. Said discussion proctored by C.D. Walker, Inmate Employability Program Coordinator.</p> <p><b>PSYCH. TREATMENT:</b> None noted.</p> <p><b>PRISON BEHAVIOR:</b> Snodgrass has remained disciplinary free this period.</p> <p><b>OTHER:</b> None.</p>
CORRECTIONAL COUNSELOR'S SIGNATURE			DATE

SNODGRASS, GARY

C-50459

CTF-SOLEDAD

NOV/2003

7.31.03



- ☐ DOCUMENTATION HEARING
- ☒ PAROLE CONSIDERATION HEARING
- ☐ PROGRESS HEARING

## INSTRUCTIONS

TO CDC STAFF: DOCUMENT EACH 12-MONTH PERIOD FROM THE DATE THE LIFE TERM STARTS TO PRESENT

TO BPT STAFF: FOR EACH 12-MONTH INCREMENT APPLY THE GUIDELINES UNDER WHICH THE PAROLE DATE WAS ORIGINALLY ESTABLISHED, ie., 0-2 MONTHS FOR PBR AND 0-4 MONTHS FOR BPT. SEE BPT §§2290 - 2292, 2410 AND 2439.

POSTCONVICTION CREDIT			REASONS
YEAR	BPT	PBR	
12/02 to 12/03			<p><b>PLACEMENT:</b> Remained at the Correctional Training Facility II and housed in the general population.</p> <p><b>CUSTODY:</b> Medium A</p> <p><b>VOC. TRAINING:</b> None during this review period.</p> <p><b>ACADEMICS:</b> None during this review period.</p> <p><b>WORK RECORD:</b> Assigned to PIA Wood Furniture Factory as a Machine Operator as a full time assignment. He earned satisfactory to above average grades per CDC 101's dated 2/1/03, 5/1/03, 8/1/03 and 9/1/03.</p> <p><b>GROUP ACTIVITIES:</b> None noted during this review period.</p> <p><b>PSYCH. TREATMENT:</b> None noted during this review period.</p> <p><b>PRISON BEHAVIOR:</b> None noted during this review period.</p> <p><b>OTHER:</b> N/A</p>
CORRECTIONAL COUNSELOR'S SIGNATURE			DATE

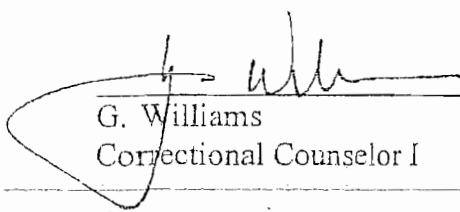
SNODGRASS

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3-15-04

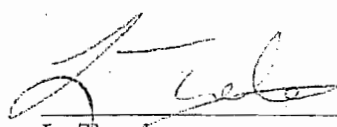
SENT TO INMATE ON : 3/30/04

  
G. Williams  
Correctional Counselor I

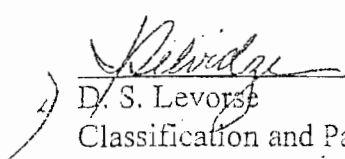
8-5-03  
Date

4- L.R. Baker COI(A)  
W. Stewart  
Correctional Counselor II

8-6-03  
Date

  
L. Trexler  
Facility Captain

8-6-03  
Date

  
D. S. Levorse  
Classification and Parole Representative

8-7-03  
Date

# **EXHIBIT BB**

**2006 BPT PAROLE TRANSCRIPT**

# **EXHIBIT BB**

SUBSEQUENT PAROLE CONSIDERATION HEARING

STATE OF CALIFORNIA

BOARD OF PAROLE HEARINGS

In the matter of the Life )  
Term Parole Consideration ) CDC Number C-50459  
Hearing of: )  
GARY SNODGRASS )  
\_\_\_\_\_ )

CORRECTIONAL TRAINING FACILITY

SOLEDAD, CALIFORNIA

DECEMBER 27, 2006

4:04 P.M.

PANEL PRESENT:

Ms. Janice Eng, Presiding Commissioner  
Mr. David Yacono, Deputy Commissioner

OTHERS PRESENT:

Mr. Gary Snodgrass, Inmate  
Correctional Officers, Unidentified

CORRECTIONS TO THE DECISION HAVE BEEN MADE

_____	No	See Review of Hearing
_____	Yes	Transcript Memorandum

Patricia Chapin

Vine, McKinnon & Hall

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P R O C E E D I N G S

1

2           **DEPUTY COMMISSIONER YACONO:** Okay. We're on.

3           **PRESIDING COMMISSIONER ENG:** Okay. This is a

4 subsequent parole consideration hearing for Gary

5 Snodgrass, S-N-O-D-G-R-A-S-S, CDC No. P-50459. Today's

6 date is December 27th, 2006, and the time is 4:04 in the

7 afternoon. We are located at CTF Soledad. The inmate

8 was received on July 19th, 1982, from Contra Costa

9 County. His life term began on September 19th, 1982.

10 The minimum eligible parole date is September 11th, 1990.

11 The controlling offense for which the inmate has been

12 committed is Murder Two, Case No. 26252, Count One, Penal

13 Code 187. The inmate received a total term of 15 years

14 to life. This hearing is being tape recorded, so for the

15 purpose of voice identification, each of us will be

16 required to state our first and last name, spelling out

17 our last names. And when it's your turn, sir, please

18 provide us with your CDC number also. Okay? So I'll

19 begin, and we've move to my left. My name is Janice

20 E-N-G, Commissioner.

21           **DEPUTY COMMISSIONER YACONO:** And I'm David Yacono,

22 that's Y-A-C-O-N-O, Deputy Commissioner.

23           **INMATE SNODGRASS:** And I'm Gary Snodgrass,

24 S-N-O-D-G-R-A-S-S.

25           **DEPUTY COMMISSIONER YACONO:** Your number?

26           **INMATE SNODGRASS:** C-50459.

27           **PRESIDING COMMISSIONER ENG:** Thank you. We also

1 have two correctional officers present for security  
2 purposes, and they will not be participating in the  
3 hearing. Sir, before we begin, I'm going to ask that you  
4 read that ADA statement that is in front of you.

5 **INMATE SNODGRASS:** Okay. This is entitled ADA,  
6 Americans With Disabilities Act. The Americans With  
7 Disabilities Act is a law to help people with  
8 disabilities. Disabilities are problems that make it  
9 harder for some people to hear, breathe, talk, walk,  
10 learn, think, work, or take care of themselves than it is  
11 for others. Nobody can be kept out of public places or  
12 activities because of a disability. If you have a  
13 disability, you have the right to ask for help to get  
14 ready for your Board of Prison Terms hearing, get to the  
15 hearing, talk, read forms and papers, and understand the  
16 hearing process. The Board of Parole, BPT, Board of  
17 Parole will look at what you ask for to make sure -- will  
18 look at what you ask for to make sure that you have a  
19 disability that is covered by the ADA and that you have  
20 asked for the right kind of help. If you do not get help  
21 or if you don't think you got the kind of help you need,  
22 ask for a BPT 1074 grievance form. You can also get help  
23 to fill it out.

24 **PRESIDING COMMISSIONER ENG:** Okay. Thank you. The  
25 record also reflects, sir, that you did sign a BPT form  
26 1073, and that form was the Reasonable Accommodations  
27 Notice and Request in Accordance with the Provisions of

1 the Americans With Disabilities Act. And it indicates on  
2 this form that you indicated that you do not have any  
3 disabilities as identified in the ADA; is that correct?

4 **INMATE SNODGRASS:** Yes, it is.

5 **PRESIDING COMMISSIONER ENG:** Okay. So the  
6 information -- and again, you signed this on August 15th  
7 of this year, 2006. So this information is still current  
8 and correct?

9 **INMATE SNODGRASS:** Yes.

10 **PRESIDING COMMISSIONER ENG:** Okay. So I still have  
11 to go through some standard questions which I'm sure  
12 you're familiar with by now.

13 **INMATE SNODGRASS:** Okay.

14 **PRESIDING COMMISSIONER ENG:** Okay? Do you have any  
15 problems walking up or down stairs or for a distance of a  
16 hundred yards or more?

17 **INMATE SNODGRASS:** No.

18 **PRESIDING COMMISSIONER ENG:** Okay. Do you need  
19 glasses or a magnifying device in order to see or read  
20 documents?

21 **INMATE SNODGRASS:** No.

22 **PRESIDING COMMISSIONER ENG:** Okay. Do you have any  
23 hearing impairments?

24 **INMATE SNODGRASS:** No.

25 **PRESIDING COMMISSIONER ENG:** Have you ever been  
26 included in the Triple CMS or EOP programs?

27 **INMATE SNODGRASS:** Yes.

1           **PRESIDING COMMISSIONER ENG:** Okay. Which?

2           **INMATE SNODGRASS:** Triple CMS for a short time, but  
3           was never prescribed medications. I was only part of  
4           that program to obtain some self-help and counseling.

5           **PRESIDING COMMISSIONER ENG:** Okay. Yeah. I think I  
6           notated that it was back in -- oh, that's a nine --  
7           September '01 through approximately March of '02. Does  
8           that sound about right?

9           **INMATE SNODGRASS:** It does.

10          **PRESIDING COMMISSIONER ENG:** Okay. So you obviously  
11          know what those terms are. And have you ever taken  
12          psychotropic medications either in prison or on the  
13          streets?

14          **INMATE SNODGRASS:** No.

15          **PRESIDING COMMISSIONER ENG:** Okay. And while you  
16          were in school, sir, were you ever enrolled in special  
17          education classes while you were growing up?

18          **INMATE SNODGRASS:** No.

19          **PRESIDING COMMISSIONER ENG:** So do you suffer from  
20          any disability that would prevent you from participating  
21          in today's hearing?

22          **INMATE SNODGRASS:** No.

23          **PRESIDING COMMISSIONER ENG:** Okay. The other couple  
24          questions I want to be sure that we're clear on is that  
25          you did -- I have a copy where you withdraw your request  
26          for an attorney.

27          **INMATE SNODGRASS:** Yes.

1           **PRESIDING COMMISSIONER ENG:** Okay. And that was  
2 back on October 16th of this year, correct?

3           **INMATE SNODGRASS:** That's sounds about right.

4           **PRESIDING COMMISSIONER ENG:** Okay. And then we also  
5 received this new packet. And they had -- for some  
6 reason they -- I think Mr. Snodgrass is going to have to  
7 have a copy of this report.

8           **DEPUTY COMMISSIONER YACONO:** Well, then we'll look  
9 for the attorney's version.

10          **PRESIDING COMMISSIONER ENG:** We have a packet of  
11 updated material that we received that has official  
12 letters of support and your hearing rights. And for some  
13 reason they included the hearing rights, which I already  
14 have in my packet, which I think you have in that packet.

15          **INMATE SNODGRASS:** I'm sure I do.

16          **PRESIDING COMMISSIONER ENG:** Okay.

17          **INMATE SNODGRASS:** If it's what I signed with my  
18 counselor.

19          **PRESIDING COMMISSIONER ENG:** Right. Okay. Is there  
20 any specific reason why you withdrew your request for an  
21 attorney?

22          **INMATE SNODGRASS:** Because I never really -- well,  
23 you never really know what you're going to get, and I --  
24 well, can I just leave it at that?

25          **PRESIDING COMMISSIONER ENG:** Sure.

26          **DEPUTY COMMISSIONER YACONO:** Have you met with the  
27 assigned attorney?



1           **INMATE SNODGRASS:** No.

2           **DEPUTY COMMISSIONER YACONO:** So you withdrew before?

3           **INMATE SNODGRASS:** Yes.

4           **DEPUTY COMMISSIONER YACONO:** Okay. And do you have  
5 any concerns at this point?

6           **INMATE SNODGRASS:** No. Actually, part of the reason-----  
7 that I wanted to go it alone this time -- not because I'm  
8 a legal beagle by any means, but because I really don't  
9 want you to believe that I would need an attorney to run  
10 interference with what I might have to say to you all. I  
11 would be willing to speak directly with you two about  
12 anything that you want to talk about. And I wouldn't  
13 want an attorney to inadvertently be misunderstood by you  
14 all as interfering.

15           **PRESIDING COMMISSIONER ENG:** I think Mr. Snodgrass  
16 is fully aware.

17           **DEPUTY COMMISSIONER YACONO:** I have no concerns on  
18 his education level. His TAB scores are as high as you  
19 go. Articulate, bright. He can see and hear, he can  
20 walk. The Triple CMS was more than five years ago for a  
21 six month time frame. The things that we have to make  
22 sure that somebody who thinks they want to represent  
23 themselves and really is not capable.

24           **INMATE SNODGRASS:** Right.

25           **DEPUTY COMMISSIONER YACONO:** Is there any reason  
26 that you can think of that you're not capable?

27           **INMATE SNODGRASS:** I believe I'm capable, although

1 I'm sure you all are much more familiar with the process  
2 itself and possibly know your way through the files.  
3 Probably can run circles around me. But I believe I can  
4 get through this all right.

5 **DEPUTY COMMISSIONER YACONO:** Well, you have got  
6 plenty of tabs which is what we do, and so we'll direct  
7 you through, and obviously take all the extra time.

8 **INMATE SNODGRASS:** Well, thank you.

9 **PRESIDING COMMISSIONER ENG:** Yeah. And plus, you've  
10 been through this process I think numerous times already?

11 **INMATE SNODGRASS:** Yeah. Yeah.

12 **PRESIDING COMMISSIONER ENG:** Okay. So this isn't a  
13 trial. It's just an administrative hearing.

14 **INMATE SNODGRASS:** Right.

15 **PRESIDING COMMISSIONER ENG:** And like I said, you're  
16 familiar with the process. So if at any time you don't  
17 understand something and you need clarification, et  
18 cetera, just ask. Okay?

19 **INMATE SNODGRASS:** Okay.

20 **PRESIDING COMMISSIONER ENG:** All right. So we shall  
21 move on, and I have to -- let's see -- okay. So again,  
22 this hearing is being conducted pursuant to the Penal  
23 Code and the rules and regulations of the Board of Parole  
24 Hearings governing parole suitability hearings for life  
25 inmates. The purpose of today's hearing is to once again  
26 consider your suitability for parole, and in doing so,  
27 we'll consider the number and nature of the crimes for

1 which you were committed, your prior criminal and social  
2 history, your behavior and programming since your  
3 commitment, and your plans if released. Now, we've had  
4 the opportunity to review your Central File, and you'll  
5 also have the opportunity to correct or to clarify the  
6 record. We will consider your progress since your  
7 commitment, your counselor's reports, and your mental  
8 health evaluations. We'll focus on your progress and any  
9 new reports since your last hearing. So any changes in  
10 parole plans should be brought to our attention. We will  
11 reach a decision today and inform you of whether or not  
12 we find you suitable for parole and the reasons for our  
13 decision. And if you are found suitable for parole, the  
14 length of your confinement will be fully explained to you  
15 at that time. Before we recess for deliberations, we do  
16 not have a representative from the District Attorney's  
17 Office nor your attorney, so you, yourself, will be given  
18 the opportunity to make a final statement regarding your  
19 parole suitability. Okay?

20 **INMATE SNODGRASS:** Okay.

21 **PRESIDING COMMISSIONER ENG:** And then we'll recess,  
22 we'll clear the room, and we'll do our deliberations.  
23 And once we complete our deliberations, we'll resume the  
24 hearing and announce our decision. The California Code  
25 of Regulations states that regardless of time served, a  
26 life inmate shall be found unsuitable for and denied  
27 parole if in the judgment of the panel the inmate would

1 pose an unreasonable risk or danger to society if  
2 released from prison. Sir, you have certain rights, and  
3 those rights include the right to a timely notice of this  
4 hearing, the right to review your Central File, and the  
5 right to present relevant documents. So far, sir, have  
6 your rights been met?

7 **INMATE SNODGRASS:** Yes. I'm a little worried about  
8 the timeliness of this C File letter that I was just  
9 presented with just now. This is the first time I've  
10 seen it, and I haven't even had a chance to read it. But  
11 up to now, that's the only thing I'm worried about.

12 **PRESIDING COMMISSIONER ENG:** Yeah. The letter dated  
13 November 17th, and I -- yeah. Okay. Unfortunately, a  
14 lot of times when they pull these packets together and  
15 send them out well in advance, they don't have all the  
16 information or they haven't processed it. So a lot of  
17 times we get last minute information in these packets for  
18 legal counsel, et cetera. However, your point is taken  
19 on that. Okay? But I see that you did have a chance to  
20 review your Central File, correct?

21 **INMATE SNODGRASS:** Yes.

22 **PRESIDING COMMISSIONER ENG:** Okay. And I believe  
23 that was around the same -- August 15th of this year. Do  
24 you have any other documents that you would like to  
25 present?

26 **INMATE SNODGRASS:** Yes, I do. One of them I  
27 believe -- one of them is included in this packet you

1 handed me a moment ago from my mother. So you have that  
2 copy.

3 **PRESIDING COMMISSIONER ENG:** Right.

4 **INMATE SNODGRASS:** Just a moment. I wrote down kind  
5 of a thumbnail parole plan and --

6 **PRESIDING COMMISSIONER ENG:** All right.

7 **INMATE SNODGRASS:** I was hoping you all would have a  
8 chance to look at this.

9 **PRESIDING COMMISSIONER ENG:** Uh-huh.

10 **INMATE SNODGRASS:** As well as a letter from a  
11 facilitator of an inmate employability program that was  
12 given through my employment workplace.

13 **PRESIDING COMMISSIONER ENG:** Okay.

14 **INMATE SNODGRASS:** And I assume you all have in the  
15 packet, a letter from Glenn Webber.

16 **PRESIDING COMMISSIONER ENG:** I believe I recall  
17 that.

18 **INMATE SNODGRASS:** Right.

19 **PRESIDING COMMISSIONER ENG:** If that -- yes.

20 **INMATE SNODGRASS:** And also one from my cousin,  
21 Sandi Bowman. I didn't see it in the packet that you  
22 just gave me.

23 **PRESIDING COMMISSIONER ENG:** I have a letter from  
24 Marietta.

25 **INMATE SNODGRASS:** That's my mother.

26 **PRESIDING COMMISSIONER ENG:** Your mother. I thought  
27 I saw a letter from them in the packet.



1        **DEPUTY COMMISSIONER YACONO:** In the -- was it in  
2        this one?

3        **PRESIDING COMMISSIONER ENG:** No. The Board packet.

4        **INMATE SNODGRASS:** It is in my packet, yes.

5        **DEPUTY COMMISSIONER YACONO:** Yes.

6        ~~**PRESIDING COMMISSIONER ENG:** --Yeah.-- We have the same~~  
7        thing. So I do have Sandi Bowman.

8        **INMATE SNODGRASS:** Okay.

9        **PRESIDING COMMISSIONER ENG:** I remember -- yes. I  
10       remember that. Okay. We have those. Okay. Sir, you  
11       have the additional right to be heard by an impartial  
12       panel. God bless you.

13       **DEPUTY COMMISSIONER YACONO:** Thank you.

14       **PRESIDING COMMISSIONER ENG:** You've been introduced  
15       to this panel. Do you have any objections?

16       **INMATE SNODGRASS:** No.

17       **PRESIDING COMMISSIONER ENG:** Okay. So if you find  
18       any other documents, just let us know, and you can  
19       present those to us.

20       **INMATE SNODGRASS:** Okay. Thank you.

21       **PRESIDING COMMISSIONER ENG:** Okay. So you will  
22       receive a copy of our written tentative decision today,  
23       and that decision becomes final within 120 days. A copy  
24       of the decision and a copy of the transcript will be sent  
25       to you. On May 1st, 2004, the regulations regarding your  
26       right to appeal a decision made at this hearing were  
27       repealed. So the current policy is entitled

1 Administrative Appeals Correspondence and Grievances  
2 Concerning Board of Prison Terms Decisions. And  
3 basically, if you have any questions about that policy,  
4 you can review that at your prison law library to appeal  
5 a decision.

6 **INMATE SNODGRASS:** Okay. So would you clarify

7 please for me. Is the ten-point process back in play, or  
8 is the ten-point process done away with for now?

9 **PRESIDING COMMISSIONER ENG:** I don't know what the  
10 ten-point process is. Do you?

11 **INMATE SNODGRASS:** It's the administrative appeal  
12 for parole hearings.

13 **DEPUTY COMMISSIONER YACONO:** That's exactly what  
14 we're saying.

15 **PRESIDING COMMISSIONER ENG:** That's what we're  
16 talking about.

17 **INMATE SNODGRASS:** It is in place, or it's not in  
18 place?

19 **DEPUTY COMMISSIONER YACONO:** It's done.

20 **INMATE SNODGRASS:** It's gone. Thank you. Thank you  
21 for clarifying that.

22 **PRESIDING COMMISSIONER ENG:** It's gone. Yeah. That  
23 was in 2004.

24 **INMATE SNODGRASS:** Yes.

25 **PRESIDING COMMISSIONER ENG:** So that's what we meant  
26 that you have to go through the courts now. Okay.

27 **INMATE SNODGRASS:** Thank you.

1           **PRESIDING COMMISSIONER ENG:** All right. So see  
2       there's some things that you know more than we do. This  
3       is my first -- okay, so you're not required to admit to  
4       or discuss your offense; however, the panel does accept  
5       as true the findings of the court. Do you understand  
6       what that means?

---

7           **INMATE SNODGRASS:** I believe I need you to rephrase  
8       that.

9           **PRESIDING COMMISSIONER ENG:** Okay. We're not here  
10      to retry to case.

11          **INMATE SNODGRASS:** Uh-huh.

12          **PRESIDING COMMISSIONER ENG:** Whatever the court  
13      stated and is in your packets, that's what we rely on.

14          **INMATE SNODGRASS:** Okay.

15          **PRESIDING COMMISSIONER ENG:** Okay? We're not going  
16      to reopening it. It's not going to be another trial. So  
17      the bottom line is that you were found guilty of murder  
18      in the second degree.

19          **INMATE SNODGRASS:** Okay.

20          **PRESIDING COMMISSIONER ENG:** Okay?

21          **INMATE SNODGRASS:** Thank you.

22          **PRESIDING COMMISSIONER ENG:** All right. Let's see.  
23      Is there any -- Commissioner, is there any confidential  
24      information, material in the C File that will be  
25      considered today?

26          **DEPUTY COMMISSIONER YACONO:** No, I don't believe any  
27      of this will be considered.

1       **PRESIDING COMMISSIONER ENG:** Okay. All right, sir.

2       I'm going to pass this hearing checklist over to you and  
3       mark it Exhibit 1. And I just want you to check with  
4       yours to see if we have the same documents. We should.

5       **INMATE SNODGRASS:** Okay.

6       **PRESIDING COMMISSIONER ENG:** Okay. And once you see  
7       that, I need you to initial it. Okay?

8       **INMATE SNODGRASS:** Uh-huh. Yes. Just initial it  
9       anywhere?

10       **PRESIDING COMMISSIONER ENG:** Just initial it  
11       anywhere in the blank area up top. You can do it up top  
12       somewhere there. Yeah. That's fine. Okay. And then I  
13       also initial it, and this does become Exhibit 1. Okay?  
14       And this ensures that we are operating off the same set  
15       of documents. So if you had legal counsel here, and if  
16       there was a DA representative, everybody would initial it  
17       to make sure that we have the same documents.

18       **INMATE SNODGRASS:** Okay.

19       **PRESIDING COMMISSIONER ENG:** Okay. So I've already  
20       asked you if there's any additional documents to be  
21       submitted, and you've already submitted a few of them.  
22       Right now, do you have any preliminary objections?

23       **INMATE SNODGRASS:** No.

24       **PRESIDING COMMISSIONER ENG:** Okay. And will you be  
25       speaking to the panel on everything today?

26       **INMATE SNODGRASS:** Yeah. I'm open to anything you  
27       guys want to discuss.

1           **PRESIDING COMMISSIONER ENG:** Okay. So what I'll  
2 have to do is swear you in. So raise your right hand,  
3 please. Okay. Do you solemnly swear or affirm that the  
4 testimony you give at this hearing will be the truth, the  
5 whole truth, and nothing but the truth?

6           **INMATE SNODGRASS:** Yes, I do.

7           **PRESIDING COMMISSIONER ENG:** Okay. All right. So  
8 we'll move on now. And what I'm going to do, sir, is I'm  
9 going to read into the record the Statement of Facts  
10 which are the crime facts. You can follow along. And  
11 I'm going to take this, and go to your Board Reports  
12 section, and I'm taking this from the December '06 Board  
13 Report. Okay? Where it says Summary of the Crime. And  
14 just to notate that the source for the Board Report is  
15 the probation officer's report pages three through seven.  
16 Okay. This states the defendant's mother, Marietta,  
17 M-A-R-I-E-T-T-A, Snodgrass, married John Mailen,  
18 M-A-I-L-E-N, in 1969 when the defendant was approximately  
19 seven years old. The marriage was somewhat tempestuous,  
20 and the couple separated on several occasions before the  
21 marriage terminated in divorce in 1976. The defendant  
22 relates that his stepfather consistently belittled and  
23 verbally harassed him. His anxiety increased when his  
24 mother remarried John Mailen again in 1979. Over the  
25 ensuing years, his distress and anxiety developed into a  
26 consuming hatred of John Mailen. He fantasized about  
27 killing the victim months before the crime took place.



1 On November 18th, 1981, he secreted his stepfather's  
2 rifle behind some plaster board in the garage. When his  
3 stepfather returned home from dropping off his wife and  
4 daughter at work, he told Gary to put out the cat. The  
5 defendant complied with this order, and as he went  
6 outside, he retrieved the weapon. As he was preparing  
7 the weapon, it accidentally discharged. Mr. Mailen came  
8 outside to investigate the disturbance and was shot twice  
9 by the defendant. He subsequently died that morning at  
10 the hospital. However, I do want to add in it was very  
11 difficult to read the probation officer's report from the  
12 back. And that's why I took it from the Board Report.

13 **INMATE SNODGRASS:** You're looking at what section?

14 **PRESIDING COMMISSIONER ENG:** Okay. Go into the  
15 Legal Note Documents.

16 **INMATE SNODGRASS:** Okay.

17 **PRESIDING COMMISSIONER ENG:** Okay? And I'm trying  
18 to see what page this is. Go back at least say six  
19 pages.

20 **INMATE SNODGRASS:** To Defendant's Statement?

21 **PRESIDING COMMISSIONER ENG:** No. It is the sixth  
22 page.

23 **INMATE SNODGRASS:** So I'm looking at what's entitled  
24 the Defendant's Statement.

25 **PRESIDING COMMISSIONER ENG:** Where it says --on line  
26 one, it says, "do it then, and the defendant told John  
27 Mailen."

1           **INMATE SNODGRASS:** Oh. Hold on. I'm not on that  
2 page. Do it then? Okay.

3           **PRESIDING COMMISSIONER ENG:** It has your name at the  
4 very top. It's page six. It does say page six at the  
5 top. On the top right.

6 ~~INMATE SNODGRASS: Okay. I'm on page eight.~~

7           **PRESIDING COMMISSIONER ENG:** Okay. Just go back two  
8 pages. It's okay.

9           **INMATE SNODGRASS:** Okay.

10          **PRESIDING COMMISSIONER ENG:** Do you see that?

11          **INMATE SNODGRASS:** Okay. Yes.

12          **PRESIDING COMMISSIONER ENG:** Okay. Well, I'm going  
13 to start with the sentence where it says the defendant  
14 told John Mailen that the police had arrived. Are you  
15 there?

16          **INMATE SNODGRASS:** Yes.

17          **PRESIDING COMMISSIONER ENG:** Okay. And the next  
18 sequence of events is not entirely clear to the probation  
19 officer. However, it seems that in learning that the  
20 police had arrived, Mr. Mailen came out from the area in  
21 which he had sought cover, and Gary Snodgrass shot him in  
22 the chest area. John Mailen fell backwards to the ground  
23 and began yelling at the defendant. Officer Hodges,  
24 H-O-D-G-E-S, recalled hearing a male voice say quote,  
25 "Gary, you've done it now," unquote. The defendant  
26 recalls that Mailen was yelling obscenities at him. In  
27 any case, the defendant walked towards the wounded victim

1 and shot him a second time, wounding him in the neck  
2 area. Okay. Sir, did you want me to read into the  
3 record what we see here as the prisoner's version? Or do  
4 you want to talk about it? I can read it into the  
5 record, and then we can also talk about it. It's up to  
6 you.

---

7 **INMATE SNODGRASS:** Are you looking at page eight  
8 then?

9 **PRESIDING COMMISSIONER ENG:** Well, no. Actually I'm  
10 looking at the Board Report, back in the Board Report,  
11 December 2006.

12 **INMATE SNODGRASS:** Okay.

13 **PRESIDING COMMISSIONER ENG:** Under Summary of Crime.  
14 Unless you want to take it out of the probation officer's  
15 report.

16 **INMATE SNODGRASS:** Well, what's your preference?

17 **PRESIDING COMMISSIONER ENG:** Well, I'm willing to  
18 leave that to you. I was going to read it from -- I  
19 believe it's the same. It looks like it's the same.  
20 Yeah. It's just easier to read it from the December '06  
21 Board Report.

22 **INMATE SNODGRASS:** We can do that.

23 **PRESIDING COMMISSIONER ENG:** Okay. So you want me  
24 to read that into the record, and then we can have a  
25 little discussion about it?

26 **INMATE SNODGRASS:** If you prefer that, sure.

27 **PRESIDING COMMISSIONER ENG:** Okay. All right. And

1 again, this states that it was established by the initial  
2 probation officer's report of June 18th, 1982. Quote,  
3 "Constant harassment, belittlement, and antagonism by  
4 stepfather in the family has had a negative effect on my  
5 mental state of mind. I reached my breaking point after  
6 ~~more than ten years of it. I broke and shot and killed~~  
7 my stepfather with a hunting rifle. I got involved by my  
8 mother marrying into the deceased victim's family. The  
9 way in which I was involved is as follows: I'm the  
10 youngest in my mother's family. I was molested by the  
11 17-year-old son of the deceased when I was seven years  
12 old. This went on for about two years, and it had a  
13 negative effect on my mind. That, in addition to  
14 terrorization from my stepbrother and my stepfather, over  
15 protectiveness by my mother has given me some mental  
16 problems I need to have taken care of. I'm not crazy,  
17 but I know I need help with these problems I need to have  
18 taken care of. I'm not crazy, but I know -- no. I need  
19 help with these problems and the depression and anxiety  
20 as well as others. I feel that the sooner I get help,  
21 the sooner I'll be able to feel more normal and lead a  
22 normal life. Being that this whole predicament was  
23 domestic in origin, I feel that it couldn't happen again.  
24 I'm a bit older and wiser now, and I'm trying to see  
25 things in their true light. I can be helped, and I want  
26 to be rid of these problems. I can be rid of these  
27 problems. I feel sentencing without probation would only

1     complicate my problems," unquote. Quote, "My long range  
2     plans are to feel better about myself, learn a skill, and  
3     find a decent job, to marry, have kids, and to love them  
4     and give them things in life I never had, which I do  
5     desperately need." unquote. Does that about sum it up  
6     properly?

---

7           **INMATE SNODGRASS:** I don't disagree with anything  
8     you just read.

9           **PRESIDING COMMISSIONER ENG:** Uh-huh. Okay. Now,  
10    your mother -- okay, married John Mailen twice. She  
11    first married him when you were seven; is that correct?

12          **INMATE SNODGRASS:** I was seven, yeah. Yeah, it was  
13    two months before my 8th birthday.

14          **PRESIDING COMMISSIONER ENG:** Okay. And at that time  
15    he came into the marriage, and he had other children?

16          **INMATE SNODGRASS:** Yes.

17          **PRESIDING COMMISSIONER ENG:** And he had the older  
18    son?

19          **INMATE SNODGRASS:** He had two children living at his  
20    house. One was Colleen, the older of the two children.  
21    She was maybe 17 or so. And the junior one was John  
22    Mailen, Jr. He was a year younger than his sister, so  
23    that would make him about 16.

24          **PRESIDING COMMISSIONER ENG:** Okay. And so when your  
25    mother married Mr. Mailen, was it just you and your  
26    mother moving into Mr. Mailen's house?

27          **INMATE SNODGRASS:** No. My two older sisters also



1 moved there with us.

2 **PRESIDING COMMISSIONER ENG:** Okay. So you had two  
3 older sisters?

4 **INMATE SNODGRASS:** Yes.

5 **PRESIDING COMMISSIONER ENG:** Was this a large house  
6 that you were moving into?

7 **INMATE SNODGRASS:** Well, let's see. There was a  
8 master bedroom, and John Jr. had his own bedroom. My  
9 eldest sister, Kathy, and Colleen, the deceased's  
10 daughter -- they shared a room. And me and my sister,  
11 Diane, who is two years older than myself -- we shared a  
12 garage that had been made into kind of like a rumpus room  
13 bedroom.

14 **PRESIDING COMMISSIONER ENG:** Okay. So all of a  
15 sudden you were living with just your two sisters and  
16 your mother, right? And you ended up moving into this  
17 house. When this happened, how did you feel?

18 **INMATE SNODGRASS:** When we melded together as a  
19 family?

20 **PRESIDING COMMISSIONER ENG:** Initially. Uh-huh.

21 **INMATE SNODGRASS:** Well, it was completely  
22 different. And I never experienced anything like it. I  
23 didn't know what to expect. It was a strange  
24 environment.

25 **PRESIDING COMMISSIONER ENG:** Uh-huh.

26 **INMATE SNODGRASS:** It was very different from the  
27 household that I had grown up in up to that point.

1           **PRESIDING COMMISSIONER ENG:** Up to that point, had  
2   you had a father present or not ever?

3           **INMATE SNODGRASS:** Well, my father died in 1966 when  
4   I was five. He died of Hodgkin's Disease, and so that  
5   was -- that's a no, I guess.

6           ~~**PRESIDING COMMISSIONER ENG:** Right. Okay. So you~~  
7   were used to having your mother to yourself, and all of a  
8   sudden --

9           **INMATE SNODGRASS:** Well, I was sharing my mother  
10   with my two sisters too.

11           **PRESIDING COMMISSIONER ENG:** Right. Right. But  
12   still then once you meld these two families together and  
13   now you've got -- okay, five children. You stated that  
14   John Jr. molested you.

15           **INMATE SNODGRASS:** He did that, yes.

16           **PRESIDING COMMISSIONER ENG:** Okay. Was that when  
17   you first moved in?

18           **INMATE SNODGRASS:** I don't remember exactly when it  
19   started. It did start at the time where we were living  
20   in that house, yes.

21           **PRESIDING COMMISSIONER ENG:** Okay. Did you tell  
22   your mother?

23           **INMATE SNODGRASS:** I attempted to. There was a time  
24   when it was just she and I at the house, and she was  
25   doing some housework, and I approached her, and I said,  
26   mom, when you're gone, meaning that when no one else was  
27   around.

1           **PRESIDING COMMISSIONER ENG:** Right.

2           **INMATE SNODGRASS:** Johnny would make me do bad  
3 things. And that was my attempt to break into that, to  
4 broach that whole subject. And it seemed like she really  
5 didn't comprehend what I was coming to her with, you  
6 know? And I felt like it was just passed off. And I  
7 think at the time it's too bad that it got passed off  
8 like that because it could have been resolved.

9           **PRESIDING COMMISSIONER ENG:** Did he do anything to  
10 your sister?

11          **INMATE SNODGRASS:** No, not to my knowledge. It's  
12 too bad. I cut my mother some slack though, because her  
13 situation was probably a lot more to the general melding  
14 of the two families. She was probably juggling a lot of  
15 different relationships in her mind at that point trying  
16 to understand the whole sphere of the household.

17          **PRESIDING COMMISSIONER ENG:** Was your mother  
18 working?

19          **INMATE SNODGRASS:** Um --

20          **PRESIDING COMMISSIONER ENG:** Or just being home and  
21 taking care of the kids?

22          **INMATE SNODGRASS:** Well, you know, there was a time  
23 when she was working at the grammar school or the junior  
24 high school which was joined to the elementary stool.  
25 But I'm not sure if that was at that time or not.

26          **PRESIDING COMMISSIONER ENG:** Okay. How --

27          **INMATE SNODGRASS:** Oh, I can clarify that. As a

1 matter of fact, yes, she would be gone afternoons, and in  
2 the afternoons when I was home from school and she was  
3 not home yet, that's when the abuse would take place. So  
4 I can answer that with yes, she was probably working at a  
5 secretarial job at a local school.

6 ~~PRESIDING COMMISSIONER ENG:~~ Okay. And it also had  
7 stated here that you felt like you were terrorized, not  
8 just by your stepbrother, but by your stepfather. How  
9 did your stepfather terrorize you?

10 **INMATE SNODGRASS:** Well, that would be in later  
11 years. In the years when we were living in Concord in  
12 his home, the terrorization and intimidation that  
13 happened by the stepbrother, John Jr.

14 **PRESIDING COMMISSIONER ENG:** So that was -- okay.  
15 But he was what, 16 or 17?

16 **INMATE SNODGRASS:** He was about ten years my senior.

17 **PRESIDING COMMISSIONER ENG:** Right. But when you  
18 first merged the families, when you first started living  
19 together, correct?

20 **INMATE SNODGRASS:** Yeah.

21 **PRESIDING COMMISSIONER ENG:** So he was, like, 17.  
22 How old did he stay living with the family?

23 **INMATE SNODGRASS:** I believe he was 16 or 17. There  
24 may be some minor inaccuracies about the age.

25 **PRESIDING COMMISSIONER ENG:** Right.

26 **INMATE SNODGRASS:** But he was definitely about ten  
27 years my senior when I moved over there.

1           **PRESIDING COMMISSIONER ENG:** When you were --

2           **INMATE SNODGRASS:** Probably right after they got  
3 married in June of '69, when we moved over there. And  
4 your question is?

5           **PRESIDING COMMISSIONER ENG:** Well, how long did John  
6 ~~Jr. stay living with the family? Because at that age, if~~  
7 he wasn't a senior in high school, he was pretty close to  
8 it, so he should have been getting out of school soon.  
9 Did he stay living with the family, or did he move out  
10 after he got out of high school?

11          **INMATE SNODGRASS:** You know, I'm not completely  
12 sure. I think that he was probably still living there at  
13 the house when my mother and my stepfather and my two  
14 sisters and myself moved back to Pinole. There was a  
15 separation -- I could be wrong. But I believe John Jr.  
16 was still at the house, although I could be mistaken. I  
17 haven't even thought about this for a few years.

18          **PRESIDING COMMISSIONER ENG:** Okay. So they were  
19 married from '69 to '76 thereabouts?

20          **INMATE SNODGRASS:** Yes.

21          **PRESIDING COMMISSIONER ENG:** So for about seven  
22 years that say -- let's say six or seven years that you  
23 were living -- is that correct, under the same roof?

24          **INMATE SNODGRASS:** Well, when he and my mother  
25 separated, we moved to Pinole, and he stayed in Concord.

26          **PRESIDING COMMISSIONER ENG:** Okay.

27          **INMATE SNODGRASS:** And apparently they were getting



1 marital counseling by a local pastor I'm told by my  
2 mother. He would come over on Wednesday evenings after  
3 he got off work and would also spend weekends there at  
4 our house in Pinole while they were getting marital  
5 counseling I believe.

6 ~~PRESIDING COMMISSIONER ENG:~~ Okay. During this  
7 first marriage between the '69 and '76 time, how was your  
8 stepfather towards you?

9 **INMATE SNODGRASS:** He seemed to me -- he was not  
10 abusive to me at that point. He was uninvolved I would  
11 say. As a parent, he was really uninvolved. If I may  
12 project what may have been on his mind, what it may have  
13 been was that my mother's kids are hers to take care of  
14 and to discipline, et cetera. And he would be in charge  
15 of disciplining and taking care of his own kids. And so  
16 there wasn't much parental involvement at all. And  
17 really wasn't much interaction at all for that matter.

18 **PRESIDING COMMISSIONER ENG:** Okay. So when did it  
19 start?

20 **INMATE SNODGRASS:** The abuse are you talking about?

21 **PRESIDING COMMISSIONER ENG:** Yeah. And that --  
22 because you stated that you became I guess very anxious  
23 when she remarried him. So it gives me the indication  
24 that you didn't care for him even during the first  
25 marriage. So that's what I want you to explain to me is  
26 that how did this start, this dislike, this almost hatred  
27 for your stepfather? You know? When did it start, and

1     how did it grow to bring you to the life crime? Does  
2     that make sense to you?

3           **INMATE SNODGRASS:** Yes, it does.

4           **PRESIDING COMMISSIONER ENG:** Okay.

5           **INMATE SNODGRASS:** At the time of their first  
6     ~~marriage, I did not have any feelings of hate towards my~~

7     stepfather. I understood him to be very different from  
8     other paternal figures in my life that I'd had before.

9     And I didn't quite know how to -- of course, I was only  
10    seven or eight years old at the time. I didn't know how  
11    to bridge the gap, so to speak. I really didn't know how  
12    to initiate a better relationship than we had. No, the  
13    hatred didn't start until after their second marriage.  
14    During the time that they were divorced, John Mailen, the  
15    deceased, had come down with, I believe it was pancreatic  
16    cancer.

17           **PRESIDING COMMISSIONER ENG:** Uh-huh.

18           **INMATE SNODGRASS:** And had surgery to remove, I  
19    believe part of his pancreas and his spleen and some of  
20    his intestine. And my mother would commute to Concord or  
21    Walnut Creek where the hospital was and to his home in  
22    Concord after he was to (inaudible). And I think maybe  
23    because of that proximity and maybe because my mother had  
24    not gotten involved with another man in a serious way and  
25    had not become married, I think they may have decided  
26    to -- obviously they did decide to get married at some  
27    point. And I guess they really cared about each other

1 more than what they had when they got divorced. And at a  
2 point, apparently they decided to get married, and they  
3 went up to, I believe it was Reno and got married. And  
4 you know, I wasn't even told about it until after it  
5 happened. And so I wasn't comfortable with it because  
6 ~~basically, he and I really didn't appreciate each other.~~  
7 We didn't really like each other as far as I could tell.  
8 We had never established a positive relationship. And so  
9 I had misgivings about him coming over to our house in  
10 Pinole to live with us while he rented out his home in  
11 Concord. And so we really didn't care for each other,  
12 and there he was, now he was living in the home with me  
13 and my mother. I believe at that point both my sisters  
14 were out of the house. So in the house there, it was  
15 me --

16 **PRESIDING COMMISSIONER ENG:** So it was just you and  
17 your mother?

18 **INMATE SNODGRASS:** It was me and my mother and then  
19 my stepfather, John Mailen. And you asked me about  
20 basically when did the hatred start. Well, it never got  
21 off on a good footing to begin with. Even when I was a  
22 kid, you know? And I think that maybe in his mind he saw  
23 my mother as being a little protective and maybe me being  
24 a momma's boy.

25 **PRESIDING COMMISSIONER ENG:** Uh-huh.

26 **INMATE SNODGRASS:** And him being a -- having the  
27 experiences in life that he did, growing up in an

1 orphanage and going to war, World War II, and coming  
2 back.

3 **PRESIDING COMMISSIONER ENG:** Uh-huh.

4 **INMATE SNODGRASS:** And being of a much greater  
5 physique than myself, he was, like, I believe he was,  
6 ~~like, six-two or six-three, and he had a physique to~~  
7 match, like his son also. And this was part of the  
8 reason that I was intimidated by them because in -- with  
9 much hindsight I don't revise my opinion of them as being  
10 bullies. They were bullies, and I think that's a big  
11 reason why I was put off by him and why I was stand-  
12 offish to him and why we just couldn't have a meeting of  
13 the minds. We could never get established because that's  
14 never what I expected a father or a paternal figure to  
15 be.

16 **PRESIDING COMMISSIONER ENG:** Was he trying to  
17 toughen you up so to speak?

18 **INMATE SNODGRASS:** I don't think he ever actively  
19 tried to toughen me up. I think that maybe my mother was  
20 running interference, because I think -- I really believe  
21 that my mother understood him to be a bully. And maybe  
22 she had to sort of insulate me from his -- from his --  
23 the way he is, or the way he was.

24 **PRESIDING COMMISSIONER ENG:** Yeah.

25 **INMATE SNODGRASS:** So she was kind of running  
26 interference for a long time.

27 **PRESIDING COMMISSIONER ENG:** But you were near

1 18 years old when they remarried.

2 **INMATE SNODGRASS:** I believe that's true.

3 **PRESIDING COMMISSIONER ENG:** Okay. And at that  
4 time, what type of plans were you making for yourself in  
5 your own life?

6 ~~**INMATE SNODGRASS:** I didn't have plans. I was~~  
7 living at home, living off my mother, basically. And I  
8 was behind in my development.

9 **PRESIDING COMMISSIONER ENG:** Okay. That's fair.

10 **INMATE SNODGRASS:** I really was.

11 **PRESIDING COMMISSIONER ENG:** So do you think that  
12 there was some resentment or animosity between you and  
13 your stepfather about that issue?

14 **INMATE SNODGRASS:** I believe there was. Yes. I  
15 believe that was a major issue with him.

16 **PRESIDING COMMISSIONER ENG:** In what way? Did he  
17 expect you to move out?

18 **INMATE SNODGRASS:** I believe he had a fair  
19 expectation that I would be out of the house by that  
20 time, 18 or 19 maybe.

21 **PRESIDING COMMISSIONER ENG:** Okay. Did he ever say  
22 that to you?

23 **INMATE SNODGRASS:** In specific terms, no. But he --  
24 I mean, not to my recollection, but he may have said that  
25 to me.

26 **PRESIDING COMMISSIONER ENG:** Okay.

27 **INMATE SNODGRASS:** But I want you to understand that



1 in all the years that he and I were under the same roof,  
2 he and I never sat down together and had a conversation.  
3 That's how far apart we were on the communication level.

4 **PRESIDING COMMISSIONER ENG:** Uh-huh.

5 **INMATE SNODGRASS:** We just -- we didn't like each  
6 other, and we resented each other. And it just got worse  
7 and worse until he was going about pushing my buttons and  
8 maybe venting some of his frustrations in the way that he  
9 did. And I was being irresponsible. I wasn't getting on  
10 with my life, you know. And I think that there was some  
11 degree on my part of a resentment of him for invading,  
12 quote, "my space, my household." And he resented me, I  
13 believe -- or I'm sure he did, that I should be out on my  
14 own by now. And I was probably holding up plans for him.  
15 And he probably just wanted me out of the house and was  
16 tired of looking at me probably. And I can understand  
17 that.

18 **PRESIDING COMMISSIONER ENG:** Well, did the two of  
19 you get into heated arguments, verbal arguments?

20 **INMATE SNODGRASS:** No.

21 **PRESIDING COMMISSIONER ENG:** So you didn't talk at  
22 all?

23 **INMATE SNODGRASS:** We didn't talk. That was the  
24 problem.

25 **PRESIDING COMMISSIONER ENG:** Even yelling or  
26 anything or?

27 **INMATE SNODGRASS:** No. Never.

1           **PRESIDING COMMISSIONER ENG:** So I don't understand  
2    how he terrorized you.

3           **INMATE SNODGRASS:** He would be disrespectful to me.  
4    He would embarrass me in front of relatives and friends.

5           **PRESIDING COMMISSIONER ENG:** What would he say, or  
6    what would he do?

---

7           **INMATE SNODGRASS:** A good example and in a case of  
8    the months prior to my having committed the murder, there  
9    was an occasion where me and my mother and my stepfather  
10   were vacationing with my aunt, my uncle, and their  
11   daughter. And there was a time where we had parked the  
12   trailer that we were towing, and we were leveling the  
13   trailer. And in the course of leveling the trailer, we  
14   had to get out crowbars and jacks and things like that.  
15   And there was a time where he set me up to go -- he  
16   wanted me to go get a jack or a tool. The very specifics  
17   I don't really recall, but I remember the incident for  
18   sure. He wanted me to go get a tool or a jack or  
19   something or to perform a certain duty of maybe cranking  
20   up the jack to help level the trailer. And I felt like  
21   he set me up for humiliation, like he told me to do the  
22   wrong thing and I did what he asked, and then he blamed  
23   me for having done something wrong. And it doesn't sound  
24   like a lot now, but at that point, you know, things were  
25   pretty tense between us, and I really felt like he set me  
26   up for humiliation in front of my relatives. And he  
27   berated me for that for a few moments, and I didn't feel

1 like I deserved that. That's one incident. There were  
2 times where we would be sitting at the kitchen table  
3 together, and he would not really even acknowledge my  
4 presence. We would sit at the same table -- that tells  
5 you something right there. We would sit at the same  
6 ~~table, and he would have the TV on, and it would be~~  
7 behind me somewhere, and he would be, like, looking right  
8 through me. He wouldn't even move to see around me, he  
9 would just, like, look through me like I shouldn't be  
10 there. You know what I mean? There were times where I  
11 would do something, like, misbehave in some way, and he  
12 would tell me that I needed my head flushed out in the  
13 toilet. And basically, he -- I never established  
14 self-confidence in that kind of environment, and even up  
15 to that time when they were separated, and he wasn't in  
16 the household. I just didn't grow up with confidence.  
17 And being in close proximity with him under that roof,  
18 during those last months, it just was very intense for  
19 me.

20 **PRESIDING COMMISSIONER ENG:** So you blame him for  
21 you not having the self-confidence?

22 **INMATE SNODGRASS:** At that time I blamed him. And I  
23 think that his behavior was a contributing factor. Yes.

24 **PRESIDING COMMISSIONER ENG:** Uh-huh.

25 **INMATE SNODGRASS:** I also know that I was behind in  
26 development because I was basically insecure. I was  
27 hanging onto my mother's apron.

1           **PRESIDING COMMISSIONER ENG:** Uh-huh.

2           **INMATE SNODGRASS:** Because at that time she was the  
3       only stable presence in my life through the death of my  
4       father and the subsequent deaths of my grandfather and a  
5       close friend of the family who lived locally there. We  
~~6       called him uncle, again. From her I understand that they~~  
7       all died within a year or a year and a half. And those  
8       were like episodes of having the rug pulled out from  
9       under me with the paternal figures.

10          **PRESIDING COMMISSIONER ENG:** Uh-huh.

11          **INMATE SNODGRASS:** And so with an expectation being  
12       after they got married that I had formed an expectation  
13       that the man my mother would marry would be a good  
14       person, a positive person who would take an interest in  
15       me. And it seemed like he was just the opposite of what  
16       I wanted, what I felt that I deserved. And maybe -- I'm  
17       sure in some ways, he was. But I don't blame him  
18       entirely for what I did. I take responsibility for  
19       having picked up the gun and for having shot him. I did  
20       that. And you know, I'll always regret that for him and  
21       his family and for myself and my family. I mean, I've  
22       caused a lot of grief, a lot of hurt, much more than he  
23       ever caused me. And it just wasn't fair what I did. And  
24       I didn't have a right to do it.

25          **PRESIDING COMMISSIONER ENG:** What did your mother  
26       say?

27          **INMATE SNODGRASS:** Um --

1           **PRESIDING COMMISSIONER ENG:** What was her reaction  
2 towards you?

3           **INMATE SNODGRASS:** Towards me? Anger and sympathy I  
4 think, as well as she felt blame. She felt some blame  
5 too. But towards me, I think that she was angry. She  
6 was hurt that I would do it to her and basically cause  
7 the whole situation of the homicide and what ensued  
8 afterwards. But I think that she takes on some of the  
9 blame herself for having stood by and allowing the  
10 situation to develop. But --

11           **PRESIDING COMMISSIONER ENG:** Has she told you that?

12           **INMATE SNODGRASS:** Yes. She has.

13           **PRESIDING COMMISSIONER ENG:** What about your  
14 sisters?

15           **INMATE SNODGRASS:** I think they were hurt. But  
16 they've never -- they've never been so angry with me that  
17 they cut off a relationship with me.

18           **PRESIDING COMMISSIONER ENG:** Did they talk to you  
19 after this happened?

20           **INMATE SNODGRASS:** Yes. But you mean about  
21 the incident itself?

22           **PRESIDING COMMISSIONER ENG:** Yeah.

23           **INMATE SNODGRASS:** Not at length, no.

24           **PRESIDING COMMISSIONER ENG:** They were both living  
25 outside the house, correct?

26           **INMATE SNODGRASS:** Yes.

27           **PRESIDING COMMISSIONER ENG:** Were they in the area,



1 in the same area, or were they out of state?

2 **INMATE SNODGRASS:** The oldest sister, Kathy, I  
3 believe she was living up in Chico at the time. And --

4 **PRESIDING COMMISSIONER ENG:** Were you close with  
5 either one of your sisters?

6 ~~**INMATE SNODGRASS:** Close? No.~~

7 **PRESIDING COMMISSIONER ENG:** Okay.

8 **INMATE SNODGRASS:** And my other sister, Diana, two  
9 years older, I believe she was in Southern California. I  
10 could be mistaken. But they both were out of the house.

11 **PRESIDING COMMISSIONER ENG:** And you weren't close  
12 with them?

13 **INMATE SNODGRASS:** Close, no. On an intimate level?  
14 No. No. Close.

15 **PRESIDING COMMISSIONER ENG:** That you could talk to  
16 them if you were frustrated with your stepfather, so you  
17 just held it to yourself?

18 **INMATE SNODGRASS:** I held it in. That's what I did  
19 in life. I held things in. And that was a major  
20 contributing factor in my life, and this is true. I had  
21 nobody in my life that I could talk to. And I was so  
22 bottled up and inarticulate and insecure that I was  
23 just -- I was just so strained and so isolated  
24 emotionally and psychologically. And I felt I didn't  
25 have any -- I didn't understand that I had options. I  
26 didn't understand that I could ask for help. At that  
27 time I didn't even know who to ask for help. Aside from

1 my mother. One week prior to the homicide, the murder --

2 **PRESIDING COMMISSIONER ENG:** Uh-huh.

3 **INMATE SNODGRASS:** -- I let my mother know that I  
4 was extremely angry with my stepfather because I felt  
5 that he was being unfair to me on some level. And I told  
6 ~~her that, you know, I was having real problems, and I~~  
7 felt like picking up one of his wine bottles and smacking  
8 him over the head with it. And she and I sat down in my  
9 bedroom and sat on the bed, and I explained to her how  
10 much of a problem this was becoming for me. And at that  
11 point she went and confronted my stepfather with things  
12 that I had said. And he was incredulous throughout the  
13 whole thing. And so she was frustrated by that, and I  
14 was disappointed that he would be incredulous because  
15 here I was trying to get help again, trying to -- you  
16 know, I went to my mother again for assistance in  
17 resolving something, and it just seemed like it wasn't  
18 working. It didn't work.

19 **PRESIDING COMMISSIONER ENG:** You were trying to  
20 resolve -- what was it you were trying to resolve?

21 **INMATE SNODGRASS:** Basically, I was -- I was -- I  
22 don't know if resolve is the right term. But I was  
23 speaking up about the way I was feeling inside, and I was  
24 having a problem with my relationship with my stepfather.

25 **PRESIDING COMMISSIONER ENG:** So were you asking your  
26 mother to make a choice between her son or her husband at  
27 that point?

1           **INMATE SNODGRASS:** No.

2           **PRESIDING COMMISSIONER ENG:** What did you expect  
3 your mother to do?

4           **INMATE SNODGRASS:** To intercede on some level  
5 because I couldn't communicate with him, and I was hoping  
6 that maybe she could help defuse the situation,  
7 basically.

8           **PRESIDING COMMISSIONER ENG:** Okay. So describe to  
9 me what was the real situation that caused all these  
10 feelings to really bubble up to the surface that pushed  
11 you to go to your mother because of your extreme  
12 frustration. What was the incident that we're talking  
13 about specifically?

14           **INMATE SNODGRASS:** I'm sorry. What was the specific  
15 incident that --

16           **PRESIDING COMMISSIONER ENG:** There had to be  
17 something that pushed you to a point where you sat down  
18 with your mother, that you were very angry with your  
19 stepfather.

20           **INMATE SNODGRASS:** Oh. I realized --

21           **PRESIDING COMMISSIONER ENG:** So what was the one  
22 thing that brought you to this point where you said that  
23 you were hoping that your mother would step in, and you  
24 wanted to get some sort of resolution. So you didn't  
25 identify what was the problem?

26           **INMATE SNODGRASS:** When I realized I was having such  
27 a problem with the situation that I was contemplating

1 doing some great bodily injury.

2 **PRESIDING COMMISSIONER ENG:** But why?

3 **INMATE SNODGRASS:** Because I couldn't deal with my  
4 anger, my anger at my stepfather.

5 **PRESIDING COMMISSIONER ENG:** But what did your  
6 stepfather do that pushed your anger to that point?

7 **INMATE SNODGRASS:** My security. I felt threatened  
8 for my security in the place where I was living and by  
9 his -- I felt that he was treating me unfairly and  
10 cruelly. In my mind at that time I felt that he was  
11 treating me unfairly and cruelly. And like I said, my  
12 security was being threatened because I was told that I  
13 would need to get out of the house and get out on my own  
14 because plans had been made for, apparently, that the  
15 house that we rented out or used by my sister and  
16 basically, it was coming to a head because the roof over  
17 my head was being threatened. My security in that  
18 regard, yes.

19 **PRESIDING COMMISSIONER ENG:** Okay. Okay. So you --

20 **INMATE SNODGRASS:** In my mind, I blamed him for  
21 that.

22 **PRESIDING COMMISSIONER ENG:** Okay. And I'm guessing  
23 that your mother didn't resolve the situation to your  
24 liking. Is this why you planned this about getting the  
25 gun and hiding it and planning out how you were going to  
26 kill him?

27 **INMATE SNODGRASS:** Well, if I may clarify the

1 sequence of events.

2 **PRESIDING COMMISSIONER ENG:** Certainly.

3 **INMATE SNODGRASS:** After the dialogue between myself  
4 and my mother and her confrontation with my stepfather,  
5 she suggested and I agreed that I would see a  
6 psychologist. And I did on November 11th of that year.

7 And that was basically, just a sit down orientation with  
8 a psychologist there in Pinole. And the day that I  
9 committed the murder was the same day that I had a second  
10 appointment with that psychologist.

11 **PRESIDING COMMISSIONER ENG:** So you'd already met  
12 with the psychologist, and then you committed the murder?

13 **INMATE SNODGRASS:** Yes.

14 **PRESIDING COMMISSIONER ENG:** Okay. The other thing  
15 is, had you told your mother that you were fantasizing  
16 about killing him or doing something that extreme? Is  
17 that why she wanted you to see a psychologist?

18 **INMATE SNODGRASS:** I believe so. When I sat her  
19 down on my bed and we talked, I told her that I was so  
20 angry with him and the way I felt that he was acting  
21 towards me that I felt like picking up one of those wine  
22 bottles there in the kitchen and hitting him.

23 **PRESIDING COMMISSIONER ENG:** Okay. Not the rifle.  
24 But you knew where he kept his rifle?

25 **INMATE SNODGRASS:** Yes, I did.

26 **PRESIDING COMMISSIONER ENG:** Okay. So what  
27 triggered you to take that next step on the 18th of



1 November?

2 **INMATE SNODGRASS:** I felt time was getting short,  
3 and I felt more pressure that I would be getting kicked  
4 out of the house very soon. I didn't have a job, didn't  
5 have a place to go. And I felt that my stepfather was  
6 continuing to diminish me. I felt destroyed by him. And  
7 I just -- I came to a place in my mind where I wanted to  
8 destroy him and basically maybe turn things around and  
9 act out towards him in a way that in reality wasn't  
10 deserved, but I just felt vengeance and hatred and rage.  
11 And it took a long time for this to develop, for this to  
12 develop, these feelings.

13 **PRESIDING COMMISSIONER ENG:** So when you sit back  
14 now at the age of 45 and you look back, what have you  
15 learned or what do you think?

16 **INMATE SNODGRASS:** Well, he didn't deserve what I  
17 did to him. Neither did anybody deserve to get hurt by  
18 my action. I believe I understand to a much greater  
19 degree what his problems were with me. And these were  
20 understandable because I was behind in my development. I  
21 was not getting out of the house and becoming my own  
22 person. It wasn't happening. And so I understand his  
23 resentment of me. And what do I think now? Well, I just  
24 can't -- there's no way I can justify what I did. He  
25 didn't deserve it. And I'm just very sorry about the  
26 whole situation. The vast majority of the blame was  
27 right here. There were some disappointments in the

1 ability of my mother to nurture me emotionally and to  
2 look out for me and protect me. And you know, but, I  
3 mean, I have to be responsible for what I did. And I  
4 picked up the gun. It was my decision. Nobody told me  
5 to do it, and it was because I didn't -- because I could  
6 not articulate, I could not communicate with my  
7 stepfather because we did not have any kind of working  
8 relationship at all on a communication level. I  
9 understand that. I understand how important that is to  
10 be able to communicate with someone when you're having a  
11 problem and maybe sit down and have some sort of  
12 understanding or at least some sort of discussion about  
13 what a problem might be.

14 **PRESIDING COMMISSIONER ENG:** Uh-huh.

15 **INMATE SNODGRASS:** You know, basically I learned to  
16 not bottle things up and let things fester.

17 **PRESIDING COMMISSIONER ENG:** Commissioner, do you  
18 have any questions you want to ask at this time?

19 **DEPUTY COMMISSIONER YACONO:** No. I don't think so.

20 **PRESIDING COMMISSIONER ENG:** Okay.

21 **INMATE SNODGRASS:** I also learned -- if I may add.

22 **PRESIDING COMMISSIONER ENG:** Sure.

23 **INMATE SNODGRASS:** I also learned now looking back,  
24 if I'm having such a problem and there's no resolution in  
25 sight, just get out of the situation. Just walk away.  
26 At that time I could have called local relatives there in  
27 town, and I could -- they would have taken me in in a

1 moment had they known that there was a real problem at  
2 the house. I could have taken myself physically out the  
3 situation, and I didn't do that. And I wouldn't do that  
4 again. It's something that I've learned.

5 **PRESIDING COMMISSIONER ENG:** Well, let me ask you  
6 ~~this: Either during that time or even in the last~~

7 25 years, have you thought about that the problem  
8 centered around you and not your stepfather?

9 **INMATE SNODGRASS:** My problem was my lack of  
10 development and my inability to express my anger  
11 verbally.

12 **PRESIDING COMMISSIONER ENG:** Uh-huh. Do you feel  
13 you were justified to be angry?

14 **INMATE SNODGRASS:** Angry that I wasn't protected as  
15 a child, yes. Angry at my stepfather for the ways he  
16 acted towards me, yes. But I also believe that they had  
17 reason to be angry with me as well for not becoming a  
18 more mature person.

19 **PRESIDING COMMISSIONER ENG:** Okay. That's fair.  
20 Because when you take a look back at what could have led  
21 you up to this, you don't have any juvenile record, okay?  
22 And you don't have any adult convictions or arrests. I  
23 didn't see anything, unless and you can correct me if I'm  
24 wrong. Did you have a drinking problem or a drug problem  
25 when you were growing up?

26 **INMATE SNODGRASS:** I believe I was heading towards  
27 alcoholism.

1           **PRESIDING COMMISSIONER ENG:** So you were drinking a  
2 lot?

3           **INMATE SNODGRASS:** I was drinking a lot. Yes, I  
4 was.

5           **PRESIDING COMMISSIONER ENG:** Okay. I must have  
6 missed that somewhere. When did you start drinking?

7           **INMATE SNODGRASS:** Oh, I believe my first drink was  
8 probably --

9           **PRESIDING COMMISSIONER ENG:** It says moderately on a  
10 social basis. So maybe that's why I missed it. But you  
11 say that you drank a lot?

12          **INMATE SNODGRASS:** I did tend to minimize it  
13 sometimes. But I did drink too much. Looking back on  
14 it, it was too much. And I was obviously under age, so  
15 it was illegal too.

16          **PRESIDING COMMISSIONER ENG:** Uh-huh. Okay.

17          **INMATE SNODGRASS:** And I was also smoking pot.

18          **PRESIDING COMMISSIONER ENG:** Okay.

19          **INMATE SNODGRASS:** Didn't have a lot of money but --

20          **PRESIDING COMMISSIONER ENG:** Did you ever work when  
21 you were, you know --

22          **INMATE SNODGRASS:** I had some odd jobs, but I was  
23 not on a career track of any sort. I worked at various  
24 gas stations, a landscaping job. I worked at an oil  
25 refinery for a short time. But I was not on a career  
26 path.

27          **PRESIDING COMMISSIONER ENG:** Okay. But you did

1 graduate from high school, correct?

2 **INMATE SNODGRASS:** Yes, I did.

3 **PRESIDING COMMISSIONER ENG:** Okay. Did you have  
4 plans to go on to college at that point, or just you  
5 didn't think about anything?

6 ~~**INMATE SNODGRASS:** Well, in my --- I had such a dim~~  
7 view of life, and I was depressed.

8 **PRESIDING COMMISSIONER ENG:** Okay.

9 **INMATE SNODGRASS:** I was depressed. And I just  
10 couldn't see over the horizon. I didn't have a  
11 direction.

12 **PRESIDING COMMISSIONER ENG:** Okay. Let me ask you  
13 something else.

14 **INMATE SNODGRASS:** Okay.

15 **PRESIDING COMMISSIONER ENG:** Unless I missed it -- I  
16 don't believe -- have you ever been married?

17 **INMATE SNODGRASS:** No.

18 **PRESIDING COMMISSIONER ENG:** Okay. So no children  
19 either?

20 **INMATE SNODGRASS:** True.

21 **PRESIDING COMMISSIONER ENG:** Okay. But you're  
22 mother is still alive, correct?

23 **INMATE SNODGRASS:** Yes.

24 **PRESIDING COMMISSIONER ENG:** Okay. And your  
25 sisters. Did you ever -- since you did the life crime,  
26 has John Jr. ever contacted you?

27 **INMATE SNODGRASS:** Since the crime occurred, he



1 showed up in court during the trial, but there's never  
2 been any dialogue.

3 **PRESIDING COMMISSIONER ENG:** Okay. Have I missed  
4 anything so far in terms of your past? I think we  
5 covered your family. It's sort of all mixed up with the  
6 whole sequence of events about your siblings, et cetera,  
7 and how you grew up, and what brought you to the life  
8 crime. Did I miss anything?

9 **INMATE SNODGRASS:** Nothing comes to mind at this  
10 point.

11 **PRESIDING COMMISSIONER ENG:** Okay. And about your  
12 past history. Commissioner, do you have any additional  
13 questions right now?

14 **DEPUTY COMMISSIONER YACONO:** No, ma'am.

15 **PRESIDING COMMISSIONER ENG:** Okay. Well, I think  
16 I'm going to pass the baton over to my fellow  
17 commissioner. He's going to review with you your Post-  
18 Conviction Factors.

19 **INMATE SNODGRASS:** Okay.

20 **DEPUTY COMMISSIONER YACONO:** All right. Primarily  
21 we're going to cover the period since your last hearing.  
22 And the actual last hearing was May 20th of 2004, at  
23 which time a one-year denial was made, but we did note  
24 that on December 7th of '05, you did a one-year  
25 stipulation to -- well, it was actually written to  
26 tighten up your parole plans. So what I've used here is  
27 the Central File, the Life Prisoner Evaluation Report

1 prepared for the December of '06 calendar, and because it  
2 straddled that time, I've also used the report from the  
3 May of 2005. They were both by Correctional Counselor 1,  
4 H. Stanton. The most current was signed off on 10/11 of  
5 2006. The same counselor completed the Post-Conviction  
~~6 Progress Reports, and those covered a period 2/3/05~~  
7 through 2006. That was signed 8/31 of '06. A March 10th  
8 of '04 through February 2nd of '05, signed off 2/17/05,  
9 and then 12 of '02 through 12 of '03, which was signed  
10 off 3/14 of '04. And because they straddle, basically  
11 I'm using the '03 progress report. That one should be in  
12 your package as well. The psychological report -- we're  
13 still using the October 20th of 2003 by Dr. J. Reed,  
14 Ph.D. At the last hearing, it was noted that you  
15 remain -- or recommendations that you remain  
16 disciplinary-free, and participate in self-help and  
17 obtain positive chronos. You're currently a Medium-A,  
18 A-1-A. Your score is 19, which is minimal for your  
19 classification life crime for the last few years up to  
20 this period. No enemies noted. No gang affiliation.  
21 The vocational instruction I'm going to kind of add  
22 several things into this area. And trying to go back to  
23 the older C File. I'm showing that you participated in  
24 PIA Mill and Cabinet, and one document shows me December  
25 of '88 through May 5th of '92, proceeded by work in the  
26 wood shop from September 10th of '84. So probably a good  
27 eight years in the field. Then I'm showing

1     certifications for Welding completed 3/16 of 2001. I see  
2     work for Drafting in '94. But I don't see a completion.  
3     The FAA education for Aircraft/Air Frame, completed 7/1  
4     of '96 and for Power Plant Engine, 9/18 of '98. Another  
5     reference again in '99. Do you have to renew your FAA  
6     certifications on those?

7             **INMATE SNODGRASS:** The certification is good for  
8     life. But going out into the field for the first six  
9     months, I would work under the umbrella of a current  
10    maintenance technician until I became what they call  
11    current. And then I can sign off my own work up to a  
12    point.

13            **DEPUTY COMMISSIONER YACONO:** All right. Okay. As  
14    far as academics was concerned, of course a high school  
15    graduate and some college. Work participation: Showing  
16    PIA Wood Furniture and some variation of positions  
17    starting May 1st of '02. And I'm showing you got  
18    satisfactory to above average or better evaluations for  
19    the full year of 2003, the full year 2004, the full year  
20    of 2005. And I'm saying that you've got March, June, and  
21    September evaluation, and then you go to the next year.  
22    And the same thing with 2006; again, March 10th,  
23    June 1st, September the 1st. This is the last evaluation  
24    for this year that is in the Central File. One notation  
25    done in 3/7 of '06 is a chrono written up an incident  
26    where it was noted that this was unsafe about a saw. So  
27    you got slapped a little bit, but we've already talked

1 about you were in and out of Triple CMS. Of course, then  
2 it was Cat X.

3 **INMATE SNODGRASS:** No.

4 **DEPUTY COMMISSIONER YACONO:** No?

5 **INMATE SNODGRASS:** It was Triple CMS, but it more or  
6 less enabled me to obtain group therapy. Because it was  
7 not widely available at that time. No, in past years --  
8 in previous years, I was in Category X at CMF at  
9 Vacaville Main, and also I did the Category T program in  
10 Vacaville -- excuse me, the Category T in Vacaville  
11 first, and then the Category X at San Quentin.

12 **DEPUTY COMMISSIONER YACONO:** Of course, we don't  
13 have those anymore, but anyhow -- okay. Part of this I'm  
14 also going to throw in that the -- let's see my notes  
15 outside -- a three-hour video on employability which also  
16 included some facet of Anger Management. And that was  
17 December 2nd of 2005. Right? Before the last  
18 stipulation. The self-help participation showing -- I've  
19 got a lot of chronos that show really lengthy time frames  
20 in AA. And the longest one I ever saw was February the  
21 14th of 2001 showing 15 years. But the last chrono I see  
22 for participation was April 11th of '02. You haven't  
23 been doing AA for the last four years?

24 **INMATE SNODGRASS:** That's true. Not since I arrived  
25 here.

26 **DEPUTY COMMISSIONER YACONO:** Okay. And let me  
27 finish off the specifics on the psychological report.

1     October 20th of 2003, hitting the high points on it. The  
2     clinical assessment under the Current Diagnostic  
3     Impressions. Axis I: Cannabis Abuse in Sustained Full  
4     Remission in a Controlled Environment. Axis II: No  
5     Contributory Personality Disorder. The Review of the  
6     Life Crime: ~~Accepts full responsibility for the death of~~  
7     the victim noting subject to significant emotional abuse  
8     by the stepfather. Under the Assessment of Dangerousness  
9     and Risks: The violent behavior within a controlled  
10    setting is considered to be low relative to the inmate  
11    population. And it goes on for a full paragraph which  
12    speaks to no gang, no juvenile, no adult prior history  
13    with, no disciplinaries, a dozen years in NA and AA,  
14    certifications and vocations in Mill Cabinet, Drafting,  
15    Aircraft Maintenance, Power Plant, and Welding. And  
16    above average in work performance. Two tests previously  
17    administered suggest a low prediction of future violence  
18    for this individual in a controlled setting relative to  
19    the level of other inmates. And no suggestion of the  
20    presence of sociopathy. Unique Facts indicated that  
21    (inaudible) such behavior does not appear likely to  
22    happen again. Therefore risk factors of violence in a  
23    controlled setting is considered to be low relative to  
24    this level of inmate population. If released to the  
25    community, if clinical assessed, his violence potential  
26    is considered to be no more than that of the average  
27    citizen in the community. The prior evals go back,



1 obviously, for years and years and years, and some are in  
2 quite different formats, and some go a lot more detailed  
3 into the life crime. But most of them pretty much  
4 parallel with relevant information to that particular  
5 time frame, a similar diagnosis that we don't have any  
6 significant psychological concerns. And then for  
7 disciplinaries, one CDC 115, which was back in '89 for  
8 out of bounds.

9 **INMATE SNODGRASS:** Is that in the legal documents  
10 section?

11 **DEPUTY COMMISSIONER YACONO:** Usually it's in the  
12 very bottom of the Miscellaneous. It's also contained in  
13 the Board Report.

14 **INMATE SNODGRASS:** Okay.

15 **DEPUTY COMMISSIONER YACONO:** I need to go straight  
16 to the C File, but in your package, our package, second  
17 from the bottom, all the way to the back.

18 **INMATE SNODGRASS:** Okay. Just the history?

19 **DEPUTY COMMISSIONER YACONO:** Right. So and actually  
20 this is an administrative counsel on that 115. You  
21 didn't lose any time on that one. And then the 128s,  
22 three in '83: failure to participate, failure to report  
23 to assignment, and use of food. A couple in '91: failure  
24 to lock up, smuggling food. And '95: (inaudible). The  
25 one that kind of gets us is actually during this current  
26 period, but it's showering without permit, 6/14/2005.  
27 So --

1           **INMATE SNODGRASS:** If I may ask, how does that get  
2    you?

3           **DEPUTY COMMISSIONER YACONO:** Hang on. Let me read  
4    it.

5           **INMATE SNODGRASS:** Okay.

6           ~~**DEPUTY COMMISSIONER YACONO:** June 13th, 2005, at~~  
7    approximately 1915 hours, while performing my duties  
8    according to officer observed Inmate Snodgrass take a  
9    shower without permission while the count light was on  
10   during lockdown. He circumvented the plan of operation  
11   that was issued on June 11th of 2005 that states no  
12   showers on the (inaudible) unless directed otherwise by  
13   captain or above. Inmate will be notified of any  
14   changes. The inmate was aware of the report, and any  
15   further violation of this nature will result in further  
16   disciplinary action. So now is the time -- is there any  
17   other in what you brought documentation, certification,  
18   certificates, any other issues that I've just covered  
19   that I didn't cover? Any other work evals, any other  
20   certificates of completion, vocational?

21           **INMATE SNODGRASS:** No. Vocational, no. My answer  
22   is no.

23           **DEPUTY COMMISSIONER YACONO:** Okay. And  
24   Commissioner, any questions?

25           **PRESIDING COMMISSIONER ENG:** Not offhand. Okay.  
26   Ready to move on?

27           **DEPUTY COMMISSIONER YACONO:** Yes.

1           **PRESIDING COMMISSIONER ENG:** Okay. Let's talk about  
2 your parole plans. Okay?

3           **INMATE SNODGRASS:** Okay.

4           **PRESIDING COMMISSIONER ENG:** Let's see -- we have in  
5 here as outlined in the December '06 Board Report, what  
6 ~~page is this? Near the end of it, Future Plans, under~~  
7 Roman Numeral four. Okay? They state that you have  
8 plans to reside with your mother, Marietta, in Pinole,  
9 California, and there's a phone number. And they state  
10 that there's a support letter in the Central File dated  
11 10/18/02, and I don't believe -- it's not in this one.  
12 It's in this one. Okay. The updated materials, and  
13 we'll go ahead, and this is when we take a look and read  
14 these into the record. Okay. I do have a letter dated  
15 November 8<sup>th</sup>, 2006, from Marietta Snodgrass, who is your  
16 mother. And she's stating that you have her wholehearted  
17 support upon parole in the form of a place of residence.  
18 And she's also offering transportation and help with  
19 outfitting him with necessary clothing for employment.  
20 Okay. Does your mother own this home?

21           **INMATE SNODGRASS:** Yes.

22           **PRESIDING COMMISSIONER ENG:** Okay. How long has she  
23 been living here?

24           **INMATE SNODGRASS:** I believe she's -- she and my  
25 father bought the place thanks to the vet benefits  
26 because my father was a Korean veteran.

27           **PRESIDING COMMISSIONER ENG:** So this was the

1 original home that you lived in?

2 **INMATE SNODGRASS:** Not the first home I lived in,  
3 but my mother's present home. She's lived in that home  
4 and has owned it since '63, I think.

5 **PRESIDING COMMISSIONER ENG:** A long time. Okay.

6 ~~All right. So this is that letter, and she's also asking~~  
7 that we put that letter into your Central File.

8 **INMATE SNODGRASS:** Uh-huh.

9 **PRESIDING COMMISSIONER ENG:** Okay. So I think  
10 that's the only letter in this new packet; is that  
11 correct?

12 **INMATE SNODGRASS:** Yes.

13 **PRESIDING COMMISSIONER ENG:** Okay. Then we also --  
14 all right. We also have a couple letters that are in the  
15 Board packet. Okay? And one is dated October 16th of  
16 2006, and this is from your first cousin, Sandi,  
17 S-A-N-D-I, Bowman, B-O-W-M-A-N. And this is a general  
18 support letter. And Sandi is referring to your expertise  
19 in welding, and it states that this is one of your  
20 interests; is that correct?

21 **INMATE SNODGRASS:** Yes, that's true.

22 **PRESIDING COMMISSIONER ENG:** Okay. That she says my  
23 partner works at a raceway and has contacts with  
24 associated businesses there, and in the racing business  
25 he always needs help especially from someone who knows  
26 welding. But it's a general support, correct?

27 **INMATE SNODGRASS:** Yes.

1           **PRESIDING COMMISSIONER ENG:** Okay. I think there's  
2 a few copies of the same letter.

3           **INMATE SNODGRASS:** Yeah. I believe there's a  
4 photocopy, and then I have the original.

5           **PRESIDING COMMISSIONER ENG:** And then we have a  
6 letter dated October 10th, 2006, from Glenn, G-L-E-N-N,  
7 Webber, W-E-B-B-E-R. And it states that he and his wife  
8 are friends, and they keep in touch with Gary for his  
9 long incarceration and has -- he's the one that's known  
10 you since you were a small child?

11          **INMATE SNODGRASS:** Yes. He knew my father in high  
12 school, and they grew up together, and they knew each  
13 other for, like, forever. And we used to go -- our  
14 family used to go visit his family in San Jose.

15          **PRESIDING COMMISSIONER ENG:** So this was your birth  
16 father that passed away when you were a baby?

17          **INMATE SNODGRASS:** Yes. This man knew my birth  
18 father. He and my birth father were in high school  
19 together.

20          **PRESIDING COMMISSIONER ENG:** Wow. Okay.

21          **INMATE SNODGRASS:** And after that.

22          **PRESIDING COMMISSIONER ENG:** Okay. So and he states  
23 that if Gary wishes, he can relocate to Oregon, our  
24 second home. Or he could chose to stay with us in Santa  
25 Clara County. He states many jobs are available in both  
26 of these areas. And he states that if you want to  
27 relocate to central Oregon, there's room for -- he could



1 have his own mobile home on our property and could give  
2 you immediate employment in taking care of the acreage  
3 and the horses. He states that his wife's son is a  
4 building contractor in Santa Clara County and would be  
5 willing to give Gary employment upon his release if he  
6 wishes to remain there. We will offer Gary temporary  
7 housing and financial assistance, and spend time with him  
8 upon his release. And I'm guessing that's in their home  
9 in Los Altos.

10 **INMATE SNODGRASS:** Los Gatos.

11 **PRESIDING COMMISSIONER ENG:** Oh, I'm sorry. Los  
12 Gatos. That is correct. Okay. So they are offering you  
13 a room.

14 **INMATE SNODGRASS:** Place of residence in Los Gatos  
15 living with them or in central Oregon at their second  
16 property with -- I think that may be after I land a job,  
17 when that happens. I'd have to arrange that afterwards,  
18 I think.

19 **PRESIDING COMMISSIONER ENG:** Yes. Because the Board  
20 has the ability and the authority to order a parole to a  
21 county that's different from the commitment county if  
22 there's documentation that shows that the inmate would  
23 have the best chance of success in another county other  
24 than the commitment county. But we have our hands tied  
25 when it comes to out of state.

26 **INMATE SNODGRASS:** Right. I, basically, have three  
27 letters here. I'm covering the bases.

1           **INMATE SNODGRASS:** Sure.

2           **DEPUTY COMMISSIONER YACONO:** How's it going to make  
3     you feel and your mother feel? Because you're going back  
4     into the same location that this crime occurred in.

5           **INMATE SNODGRASS:** While I was out on bail for six  
6     months, we were living in the same home, walking through  
7     the same garage where I shot my stepfather. And although  
8     it was kind of eerie in some ways, it was tolerable. And  
9     to answer your question, no, it wasn't a problem then.

10          **DEPUTY COMMISSIONER YACONO:** Okay.

11          **INMATE SNODGRASS:** Was that something you made  
12     reference to earlier? Okay. I assume that you made  
13     reference to that.

14          **DEPUTY COMMISSIONER YACONO:** Well, you know what?  
15     Because of the chrono that noted that you did the  
16     video -- the video training part of the inmate  
17     employability program. But this letter I haven't seen  
18     before.

19          **INMATE SNODGRASS:** Right. And that's something that  
20     (inaudible).

21          **PRESIDING COMMISSIONER ENG:** Uh-huh. I'm sorry I  
22     forgot about it. I just found it. My apologies. That's  
23     why I wanted you to take a look. I'm also taking a look  
24     at your -- which is nice that you had written out parole  
25     plans for yourself. So would you -- okay. If you were  
26     to parole to your mother's house, you would need your  
27     mother to provide transportation, correct?

1           **INMATE SNODGRASS:** Initially.

2           **PRESIDING COMMISSIONER ENG:** And financial -- and  
3   you're going to need her financial support, correct?

4           **INMATE SNODGRASS:** Yeah. As little as possible, but  
5   yeah, that's true. I mean, she's up there, and she's  
6   retired, fixed income and all that. And you know, I'd  
7   have to get a bike. But yes, that's true. I'd get a  
8   bike. To get around town, I could use a bike. And I  
9   believe that it would not take me too long to save up for  
10   a car and get insurance and things. I expect to be  
11   employed not long after I would parole.

12          **PRESIDING COMMISSIONER ENG:** Okay. So you're  
13   stating here that the initial employment plan is to get  
14   employment in any field that will pay the bills. Okay?  
15   Wood working, welding hold the greatest potential for  
16   initial employment upon release.

17          **INMATE SNODGRASS:** And when I work up a positive  
18   work history, I would apply to the various aircraft  
19   maintenance facilities. Maybe Oakland Metro, maybe  
20   Concord where my father learned to fly as a matter of  
21   fact, thanks to the vet benefits. And that's my first  
22   love really is aircraft maintenance.

23          **PRESIDING COMMISSIONER ENG:** Are those union jobs?

24          **INMATE SNODGRASS:** You know, I don't know.

25          **DEPUTY COMMISSIONER YACONO:** It depends on who you  
26   work for. Because somebody as big as Northwest is  
27   supposed to be union versus the Mechanic Locals. So it's

1 both.

2 **INMATE SNODGRASS:** And if I may interject, I would  
3 not go -- in all probability would not go to work  
4 straight away for a major airline or something like that.  
5 Especially since I would just be coming out of prison. I  
6 ~~probably would be starting off small like in Concord or~~  
7 something like that and build up a positive work history  
8 and get good recommendations and take that to the  
9 regionals.

10 **PRESIDING COMMISSIONER ENG:** Uh-huh.

11 **DEPUTY COMMISSIONER YACONO:** Real quickly, this  
12 letter that was presented from PIA speaks about the  
13 Inmate Eligibility Program and the different components  
14 of it. And you've participated over a three-year period,  
15 and the one that I noted that you had participated in --  
16 have you done all five of these?

17 **INMATE SNODGRASS:** Everything on there I  
18 participated in. They broke it up into sections, and  
19 each section, depended on what module you're in. I went  
20 to my third or fourth one recently. And it's an ongoing  
21 kind of program. And this last section was about  
22 understanding your own resentments and your own  
23 addictions, where they apply, and not letting them bring  
24 you down when it comes to making that transition when you  
25 get out there.

26 **DEPUTY COMMISSIONER YACONO:** Okay. And this is  
27 obviously not a quick and easy three-hour kind of thing.

1 This is ongoing -- they've got it as four sections now  
2 and three- to four-hour discussion dialogue as well as  
3 video components, sometimes six-part video components.  
4 Re-engaging in Society, Focus on Community Re-Entry,  
5 Finding Employment, How to Succeed on the Job, and Anger  
6 Management. This is specifically from Charlie B. Walker,  
7 Superintendent 1 of the IEP program. He's the  
8 coordinator here at Soledad. And it is written  
9 specifically in regards to our inmate. It does cover  
10 generic what the programs are, but it speaks specifically  
11 about his participation over a three-year period.

12 **PRESIDING COMMISSIONER ENG:** I think that covers all  
13 the documents you presented to us, correct?

14 **INMATE SNODGRASS:** I believe so.

15 **PRESIDING COMMISSIONER ENG:** Okay. But I do have a  
16 couple comments or questions to ask you.

17 **INMATE SNODGRASS:** Okay.

18 **PRESIDING COMMISSIONER ENG:** You had been -- okay.  
19 You had been living with your mother. Okay? Pretty much  
20 all your life up to the life crime.

21 **INMATE SNODGRASS:** Yes.

22 **PRESIDING COMMISSIONER ENG:** And then you committed  
23 the life crime, and you came into the institution. Now,  
24 your parole plans are to return back to your mother's.

25 **INMATE SNODGRASS:** And get out on my own as soon as  
26 I can, or maybe an alternate residence. Her being  
27 elderly right now, and it's just kind of weird being 45



1 plus and living at home with Mom. It is kind of weird.  
2 And believe me, it's just a temporary thing. It's as  
3 temporary as I can make it without, you know, without  
4 well, hamstringing myself. I mean that. If I were to  
5 parole to that house and then discover that things  
6 weren't working in the relationship or the relationship  
7 wasn't working or something wasn't working, I would  
8 probably give Glenn a call and see if he would be  
9 amendable to me living there with him. Because he's  
10 retired, and he has time to mentor me in life.

11 **PRESIDING COMMISSIONER ENG:** Uh-huh.

12 **INMATE SNODGRASS:** So if it didn't work with my  
13 mother, I would try to go over to Glenn's place in Los  
14 Gatos.

15 **PRESIDING COMMISSIONER ENG:** Sir, what's changed  
16 besides your 24 years of incarceration in terms of --  
17 what incentive do you have for yourself to get out on  
18 your own so that you wouldn't come up with the same type  
19 of situation as before where you were faced with having  
20 to move on with your life on your own? Okay? And you  
21 took some drastic steps to prevent yourself from having  
22 to face that. Are you with me so far? Does that make  
23 sense to you?

24 **INMATE SNODGRASS:** Yeah. I shot my stepfather  
25 because in one way I felt I was eliminating a threat to  
26 my security.

27 **PRESIDING COMMISSIONER ENG:** Exactly.

1           **INMATE SNODGRASS:** Yeah.

2           **PRESIDING COMMISSIONER ENG:** So what has changed  
3 between that and the new situation arising for the time  
4 that you do get released and that you are again, not able  
5 to live on your own but will be either living with your  
6 mother or someone else and what incentive is there for  
7 you to get out on your own?

8           **INMATE SNODGRASS:** I want to become my own person,  
9 because life is being out on your own and being  
10 responsible for yourself and taking care of yourself.  
11 That's what we're here for, to become better people.

12           **PRESIDING COMMISSIONER ENG:** Uh-huh.

13           **INMATE SNODGRASS:** And I can't do that if I'm stuck  
14 in the past or stuck in some rudimentary stage of  
15 development. I want to mature. And being responsible  
16 and making a living and getting out on my own and having  
17 my own relationships and being around women again. That  
18 will be nice, you know? That's what I want to do.

19           **PRESIDING COMMISSIONER ENG:** Well, understand I'm  
20 not saying that this is the case, but I want you to think  
21 about it, because saying it and being able to do it are  
22 two different things. Okay? It can be difficult. It  
23 can be scary if you've never been out on your own before.

24           **INMATE SNODGRASS:** Yeah. I understand that too.  
25 I've never been out on my own. I don't have the  
26 experience of knowing what it is to be out on my own.  
27 And I will need to be mentored, and I think that's what

1 Glenn would be prepared to do. He and his wife too.

2 **PRESIDING COMMISSIONER ENG:** Okay.

3 **INMATE SNODGRASS:** More so than my mother, but my  
4 mother is in the same county of commitment. But you  
5 know, if the county of commitment were not an issue, if  
6 you can go either way, I would probably choose to go with  
7 Glenn.

8 **PRESIDING COMMISSIONER ENG:** Well, sir, you could  
9 state the case that where you feel you would have the  
10 best chance of success. Remember what I said to you. A  
11 panel can order parole to a county different from your  
12 commitment county if it's in the best interest of the  
13 inmate's success on the outside.

14 **INMATE SNODGRASS:** Right.

15 **PRESIDING COMMISSIONER ENG:** Okay. Do you have any  
16 other questions?

17 **DEPUTY COMMISSIONER YACONO:** There's one document  
18 that we didn't cover. (Inaudible) and Mr. Snodgrass may  
19 not have had a chance to review it.

20 **PRESIDING COMMISSIONER ENG:** We have to ask you,  
21 Mr. Snodgrass, if you object to this letter from the City  
22 of Pinole Police Department.

23 **INMATE SNODGRASS:** If you just give me a minute or  
24 so to read it.

25 **PRESIDING COMMISSIONER ENG:** Okay.

26 **INMATE SNODGRASS:** Although I don't think the  
27 timeliness is the best, you may read it into the record.

1           **PRESIDING COMMISSIONER ENG:** Okay.

2           **DEPUTY COMMISSIONER YACONO:** Well, I have one issue  
3 with the attached. This speaks to a juvenile record that  
4 is not really reflected. Oftentimes the rap sheet does  
5 not show a juvenile record, but this is supplied by them  
6 in lieu of, but being a suspect versus being arrested  
7 during this time frame, and you're like 14, 15, 13 on  
8 some of these. But this time that you were arrested and  
9 do you have a conviction resulting from any of these  
10 crimes?

11           **INMATE SNODGRASS:** I've never been convicted in  
12 court prior to this instant offense.

13           **DEPUTY COMMISSIONER YACONO:** Okay. So you were  
14 never on probation, parole, or supervision?

15           **INMATE SNODGRASS:** No. I've never been prosecuted.

16           **DEPUTY COMMISSIONER YACONO:** Did you ever spend any  
17 time in juvenile hall or foster?

18           **INMATE SNODGRASS:** No.

19           **DEPUTY COMMISSIONER YACONO:** That's a dilemma. We  
20 can read it off a rap sheet but (inaudible) you can't  
21 read it off of some preformed letter.

22           **INMATE SNODGRASS:** No.

23           **DEPUTY COMMISSIONER YACONO:** So that's my only  
24 concern with that again.

25           **PRESIDING COMMISSIONER ENG:** Okay. Are any of these  
26 incidences in this?

27           **DEPUTY COMMISSIONER YACONO:** No. Because they were

1 juvenile.

2 **PRESIDING COMMISSIONER ENG:** These were all

3 juvenile?

4 **DEPUTY COMMISSIONER YACONO:** Yes.

5 **PRESIDING COMMISSIONER ENG:** Okay. But sir, you had

6 a chance to take a look at these. So these were just

7 arrests?

8 **INMATE SNODGRASS:** I think so.

9 **PRESIDING COMMISSIONER ENG:** Or one was -- oh. The  
10 other was -- take a look at these.

11 **INMATE SNODGRASS:** One was a citizen's arrest for  
12 trespassing. And I was a kid who was in the wrong place  
13 at the wrong time. Some older kids had been throwing  
14 some dirt clods into some guy's swimming pool, and  
15 because the guy came around in back of his house and saw  
16 me in the area, in proximity to these, we all got in his  
17 car and drove down. And that was the citizen's arrest.  
18 But the other things, I don't have any problems with. I  
19 believe that they're accurate.

20 **PRESIDING COMMISSIONER ENG:** Okay. Well, the only  
21 thing that I'm going to note into the record anyway is  
22 the basic letter which was in response to the 3042  
23 notices. So sir, this is at the point where we have sent  
24 out Penal Code 3042 notices, and those notices go to  
25 agencies that have a direct interest in your case. And  
26 again, we've got a letter from the City of Pinole Police  
27 Department, dated November 17, 2006, and it's signed by



1 James W. Rose, R-O-S-E, Chief of Police. And basically  
2 this states that it is -- it is the Department's position  
3 and opinion that Gary Snodgrass should remain in prison.  
4 So the net of it is that they are opposed to your parole.  
5 Okay? And that's all I'm going to state about that  
6 letter. Okay?

7 **INMATE SNODGRASS:** Okay.

8 **PRESIDING COMMISSIONER ENG:** And because you were  
9 originally scheduled --

10 **INMATE SNODGRASS:** For tomorrow.

11 **PRESIDING COMMISSIONER ENG:** For tomorrow morning,  
12 and that there was going to be, I believe, a  
13 representative from the District Attorney's Office that  
14 we had tried desperately to reach today and were unable  
15 to. Any comments about that, Commissioner?

16 **DEPUTY COMMISSIONER YACONO:** Well, we were informed  
17 that the Deputy DA assigned was on vacation. And so our  
18 dilemma is whether or not she's going to appear tomorrow  
19 because we haven't been able to contact her.

20 **PRESIDING COMMISSIONER ENG:** But we just note for  
21 the record that she is not present because we were not  
22 able to reach her, and we had to do some moving around of  
23 the schedule.

24 **DEPUTY COMMISSIONER YACONO:** Okay. One second.  
25 Okay. We're back on.

26 **PRESIDING COMMISSIONER ENG:** Okay. So I don't have  
27 any other questions or comments. Do you, Commissioner?

1           **DEPUTY COMMISSIONER YACONO:** No.

2           **PRESIDING COMMISSIONER ENG:** Okay. So on that note,  
3 I think, unless you have any other comments, we can go  
4 right to your closing statement.

5           **INMATE SNODGRASS:** I have no comments other than I  
6 have a very short closing statement.

7           **PRESIDING COMMISSIONER ENG:** Okay. Go ahead.

8           **INMATE SNODGRASS:** I have not rehearsed any closing  
9 statement, excuse me. But I would just like to say that  
10 I understand that I did a great wrong on November 18th of  
11 '82 -- of '81, excuse me. And I shot and killed my  
12 stepfather. It was murder. I don't disagree on that,  
13 and I agree with what I was convicted of, and I deserved  
14 to be convicted of that. And I just want to say that,  
15 you know, it was -- I brought this on through my having  
16 murdered him. And I'm sorry for him having lost his life  
17 to me and for his family and for myself and my family and  
18 for society in general for another murderer in prison in  
19 my circumstance. I would like to say that after having  
20 done that, that I've done the best that I -- I think I've  
21 done well to salvage the life I was left with, and I've  
22 tried very hard to become a better person, to understand  
23 myself much more, and to live a sober and upright life.  
24 I would like to believe that others can see the salvage-  
25 ability in my life, if there is such a word, and to see  
26 that I have tried very hard to salvage my life and to  
27 understand my past and my mistake. And I'm just hoping

1 for a second chance. And my family is too, and I'm  
2 hoping that people that don't even know me yet would be  
3 thankful that I was given a second chance at some point.  
4 And so I just ask that you consider these things that  
5 we've talked about here today and give it it's due and  
~~6 your own personal discretion. I'll take that for~~  
7 granted. Okay. Thank you.

8 **PRESIDING COMMISSIONER ENG:** Thank you, sir. We'll  
9 now recess for deliberations. The time is 5:45.

10 **INMATE SNODGRASS:** I'll leave this in here for now.

11 **PRESIDING COMMISSIONER ENG:** Absolutely.

12 **R E C E S S**

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## 1 CALIFORNIA BOARD OF PAROLE HEARINGS

## 2 D E C I S I O N

3 DEPUTY COMMISSIONER YACONO: We're back on.

4 PRESIDING COMMISSIONER ENG: Okay. The time is

5 6:02. Everyone who was in the room prior to our recess

6 ~~for deliberations has since returned. In the matter of~~

7 Gary Snodgrass, CDC No. C-50459, the panel has reviewed

8 all the information received from the public and relied

9 on the following circumstances in concluding that the

10 prisoner is not suitable for parole and would pose an

11 unreasonable risk of danger to society or a threat to

12 public safety if released from prison. We find that the

13 commitment offense was carried out in a very cruel and

14 callous manner. It was carried out in a dispassionate

15 and very calculated manner, very much like an execution

16 style murder in which the inmate, basically, laid in wait

17 in the garage for his stepfather to come in and then

18 ended up shooting him twice. It was carried out in a

19 manner that demonstrates an exceptionally callous

20 disregard for human suffering. He -- the victim was shot

21 first in the chest, fell backwards, was yelling something

22 to the inmate to the effect that he'd done it now, and

23 the inmate walked up and shot him once again, this time

24 hitting him in the neck. The motive for the crime was

25 somewhat trivial in relation to the offense. As stated

26 and discussed with Mr. Snodgrass, he felt that his

27 GARY SNODGRASS C-50459 DECISION PAGE 1 12/27/06

1 security was being threatened by his stepfather and that  
2 he was being asked to move out of the home and to start a  
3 life. And at that point in Mr. Snodgrass's life, he  
4 didn't feel like he was ready to move on. These  
5 conclusions are drawn from the Statement of Facts wherein  
6 ~~the prisoner again, had developed a consuming hatred of~~  
7 his stepfather, John Mailen. He had fantasized about  
8 killing the victim months before the crime took place,  
9 and then on November 17, 1981, he secreted his  
10 stepfather's rifle behind some plaster board in the  
11 garage. When his stepfather returned home from dropping  
12 off his wife and daughter at work, he told Gary to put  
13 out the cat, at which time the defendant complied with  
14 this order, and as he went outside, he retrieved the  
15 weapon. As he was preparing the weapon, it accidentally  
16 discharged. When Mr. Mailen came outside to investigate  
17 the disturbance, he was shot twice by the defendant. He  
18 subsequently died that morning at the hospital.  
19 Regarding the institutional behavior, again, we find that  
20 the inmate has programmed in a limited manner in the last  
21 about two and a half years while incarcerated. In the  
22 last two and a half years, we find that he's taken one  
23 class in Anger Management, and he's not sufficiently  
24 participated in beneficial self-help and/or therapy  
25 programs, at least not in the last two and a half years.  
26 And again, we stated that we take a look at your progress  
27 **GARY SNODGRASS C-50459 DECISION PAGE 2 12/27/06**



1 since your last hearing. And as my colleague has said,  
2 he felt that you almost shut down at a certain point in  
3 time. In terms of his conduct while incarcerated, it  
4 includes around seven 128(a) counseling chronos, the last  
5 one being in June of 2005 for showering without  
6 permission. And then there was one 115 disciplinary,  
7 which was really administrative in August of 1989, for  
8 being out of bounds. Okay. In reference to  
9 Mr. Snodgrass's parole plans, sir, you do have parole  
10 plans; however, we highly advise that you firm them up  
11 and focus it and think back about what we were discussing  
12 about what's in your best interest for success. So you  
13 may want to think about switching the order of your  
14 choices. Does that make sense to you?

15 **INMATE SNODGRASS:** Yeah.

16 **PRESIDING COMMISSIONER ENG:** Again, what's going to  
17 make sense to you -- you have a lot of different  
18 experiences that you have gained while being  
19 incarcerated. Focus -- try to focus on areas -- sorry  
20 about that. Try to focus on areas that make most sense  
21 for you to be able to get a viable job to be able to give  
22 yourself some financial security. You have to understand  
23 and draw up this plan about the transition. You've been  
24 incarcerated for 24 years. It's going to take you some  
25 time to get everything together on the outside, to be  
26 able to find a job, or to get yourself to a position

27 **GARY SNODGRASS C-50459 DECISION PAGE 3 12/27/06**

1 where you're financially able to get out on your own. So  
2 there's nothing wrong with drawing something out to, say,  
3 you know, in 18 months I plan to do this with some goals,  
4 et cetera. In other words, we want you to focus, and we  
5 want you to get some well thought out backup plans,  
~~6 because if one plan doesn't work out, what's your backup~~  
7 plan? Does that make sense to you? Because don't  
8 forget, this is the first line. All right? Once you're  
9 given -- when you see a hearing panel, that's the first  
10 step. When you're given a date -- when anyone is given a  
11 date, the next step is all the information and the  
12 documentation that an inmate provides has to be verified.  
13 The more documentation, the more detail you provide, the  
14 better off you're going to be, especially if you have  
15 Plan A, Plan B, and Plan C, and you have everything lined  
16 up, you have all the documentation. Likewise, with any  
17 letters of support that you get, have them be as specific  
18 as possible. Specifically, Gary will have his own room  
19 and bathroom. You know, he will be supported financially  
20 for X number of years, or whatever it might be. All  
21 right? We will take care of his medical needs,  
22 transportation in this way or that way, as specific as  
23 possible. Does that make sense?

24 **INMATE SNODGRASS:** Yeah.

25 **PRESIDING COMMISSIONER ENG:** Okay. So again, as  
26 much as you can, and with the employment -- you've got

27 **GARY SNODGRASS C-50459 DECISION PAGE 4 12/27/06**

1 Vocational Welding, et cetera. Start focusing on  
2 specific areas and backups where you might be able to --  
3 where you have the best chances of getting a position.  
4 And come in with even copies of the letters that you're  
5 sending out. I've seen people come in with a notebook  
6 ~~stating that these are all the letters, these are the~~  
7 dates that they sent them, these are the ones that they  
8 received responses back whether they're either yeses or  
9 nos. I mean, this is part of life. When you go out  
10 looking for jobs, sometimes for every hundred letters  
11 that you send out, you're lucky if you get one or two  
12 responses. That's just the nature of the beast and the  
13 way things are. So the more documentation you can show  
14 the panel as to your taking total control, and it's well  
15 thought out, and this is what you're going to do, it  
16 works to your benefit. Okay? Regarding the 3042  
17 responses, we do note that we did receive a letter from  
18 the City of Pinole Police Department, the law enforcement  
19 agency that investigated the case, and they did state  
20 that they are opposed to parole at this time. The panel  
21 makes the following findings: That the inmate needs to  
22 sort of -- I wrote in here pick up and continue with  
23 documented self-help and/or therapy to help you face,  
24 discuss, understand, and cope with stress in a  
25 nondestructive manner. Until progress is made, the  
26 prisoner continues to be unpredictable and a threat to  
27 **GARY SNODGRASS C-50459 DECISION PAGE 5 12/27/06**

1 others. Basically, sir, it comes back to where we see  
2 that all of a sudden it seemed like you just stopped, and  
3 you gave up. And we don't think that that's in your best  
4 interest to do that. We also state though, that you  
5 should be commended for -- you have an exemplary work  
6 record, you know, over a long period of time, and you  
7 should be commended for that. You have multiple  
8 certified trades that include Aircraft Maintenance, the  
9 Vocational Welding, and the Mill and Cabinet. And the  
10 fact that you have no real record of any serious 115s,  
11 you should be commended for that. So you've been doing a  
12 lot of good things. But the positive aspects do not  
13 outweigh the factors of unsuitability. Sir, this is a  
14 one-year denial. And we hope that in the next 12 months  
15 you'll be able to pull all of this together. And I think  
16 if you focus, you'll be able to. The panel does  
17 recommend that you remain disciplinary-free. Again, you  
18 have done very, very well, and continue with that. And  
19 if available, try to participate in any and all self-help  
20 that you can. Okay? It'll just help make you stronger  
21 and be able to deal with some of the stresses that you'll  
22 be faced with if and when you get a date. That doesn't  
23 mean that you have to go to AA and NA. It means that  
24 there's other types. Get some books. Read them, write  
25 reports, brief reports about how that's helping you to  
26 cope and to live and for you to make decisions so you  
27 **GARY SNODGRASS C-50459 DECISION PAGE 6 12/27/06**

1 don't end up in the same situation again. Okay? And  
2 also if available, which is difficult often, any  
3 additional therapy that can help make you stronger to be  
4 able to cope. Okay? That really concludes the reading  
5 of the decision. I'm going to ask my fellow commissioner  
6 if he has any other comments.

7 **DEPUTY COMMISSIONER YACONO:** You did get your  
8 documents back, right? Okay. That PIA -- if that's what  
9 you want to do, if that's available to you, that's very  
10 structured. Get your chronos for that one. You have  
11 family, you have friends, and they've written support  
12 letters for you. Now ask them to help you a little bit  
13 more, because somebody is willing to give you  
14 transportation, residence, potential job. You can walk  
15 in anywhere and weld. You can potentially find jobs  
16 doing woodwork, et cetera. Let them help you look and  
17 see what's available to plug in. If they have something  
18 specific that they want you to do, they can write it down  
19 and structure it on a letterhead, their business in  
20 effect. Let them present it that way. It's structured.  
21 And again, we can send you out of county. Other states  
22 have their own jurisdiction. We can't control the other  
23 states. So let's concentrate here and get focused on  
24 that. You're going to look a lot tighter on that. Okay?

25 **INMATE SNODGRASS:** Uh-huh. Yes.

26 **DEPUTY COMMISSIONER YACONO:** Okay.

27 **GARY SNODGRASS C-50459 DECISION PAGE 7 12/27/06**



1           **PRESIDING COMMISSIONER ENG:** Okay. Good luck, sir.

2       That concludes the hearing. The time is now 6:14.

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22       **PAROLE DENIED ONE YEAR**

23       **THIS DECISION WILL BE FINAL ON: April 26, 2007**

24       **YOU WILL BE PROMPTLY NOTIFIED IF, PRIOR TO THAT**  
25       **DATE, THE DECISION IS MODIFIED.**

26       **GARY SNODGRASS   C-50459   DECISION PAGE 8   12/27/06**

**CERTIFICATE AND  
DECLARATION OF TRANSCRIBER**

I, Patricia Chapin, a duly designated transcriber, VINE, MCKINNON & HALL, do hereby ~~declare and certify under penalty of perjury that~~ I have transcribed tape(s) which total one in number and cover a total of pages numbered 1 - 77, and which recording was duly recorded at CORRECTIONAL TRAINING FACILITY, at SOLEDAD, CALIFORNIA, in the matter of the SUBSEQUENT PAROLE CONSIDERATION HEARING of GARY SNODGRASS, CDC No. C-50459, on DECEMBER 27, 2006, and that the foregoing pages constitute a true, complete, and accurate transcription of the aforementioned tape(s) to the best of my ability.

I hereby certify that I am a disinterested party in the above-mentioned matter and have no interest in the outcome of the hearing.

Dated JANUARY 25, 2007, at Sacramento County, California.

*Patricia Chapin*  
Patricia Chapin  
Transcriber  
VINE, MCKINNON & HALL